

**Summary of Lakewood Landing Adult Residential CMS Home and Community Based Services (HCBS) Settings Rule Site Visit:**

**On February 26, 2018, an on-site visit was made by Deb Vesey, BSN, RN, Program Administrator.**

Lakewood Landing Senior Living is a licensed basic care facility including the optional service of Alzheimer’s, Dementia or Special Memory care. The setting is a secure facility that is accessible and located in a residential and commercial area with access to Kist Livestock, the racetrack, a water park, and a gas station. A google map, organization chart, Basic Care License, Medication error reporting and “Elopement Risk Prevention/Missing Resident” policy, and Resident Complaint/Grievance Resolution Policy is included in the Evidence Package. Lakewood Landing utilizes the Minot State University Medication Assistant Training Program.

Lakewood Landing is at full capacity with 22 residents presently and 1 on Medicaid. Lakewood Landing has a signed lease agreement. “Clients and legal guardians will be notified in writing 30 days prior to any change in rate/fee structure.” (Included in Packet are the lease agreement and Discharge Policy)

February 26, 2018, a site visit was held with Lakewood Landing to provide education regarding the Home and Community Based Services Settings requirements published in the Federal Register on January 16, 2014. An assessment tool was developed by the state that was based on the settings criteria and the exploratory questions provided by CMS. State staff utilized the CMS power point “Monitoring of Compliance with the Home and Community-Based Setting Requirements, ND Administrative Code Chapter 33-03-24.1 Basic Care Facilities, ND Century Code Chapter 50-10.2 Rights of Health Care Facility Residents, Adult Residential Care Policy 525-05-30-16, and Chapter 75-03-23 Provisions of Home and Community Based Services Under the Service Payments For Elderly and Disabled Program and the Medicaid Waiver For the Aged and Disabled Program as resources to provide education during the visit.

The assessment tool was completed, and the State then provided a written summary of suggestions and areas that needed change in order to come into compliance. The State provided further technical assistance upon request and the provider submitted an evidence package to the State to prove compliance with setting requirements.

February 26, 2018, the state made an onsite visit to tour the facility, review policies and procedures, observe client care, and staff interactions. State staff met with the consumer and conducted a care plan review. A survey was conducted by phone with the Medicaid consumer’s legal decision maker to assess the consumers experience living in the setting. 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.

Qualified Service Provider application renewal is due in February and the facility has received the new Critical Incident reporting guidelines.

HCBS Settings Requirements	Review of Facility
Facility is selected by the individual from among settings options including non-disability specific settings and an	The facility is open for tours prior to a decision to reside in the facility. There are other options for residential services

<p><b>option for a private unit in a residential setting.</b></p>	<p>in the area to choose from.</p> <p>Lakewood Landing is in a residential and commercial area close to Kist Livestock, the racetrack, a waterpark and gas station. It is situated facing a lakefront.</p> <p>The facility is ADA accessible.</p> <p>Lakewood Landing has a service and rental agreement with a 30-day notice.</p> <p>There are cameras in the facility, one located in the Med Room and two in the Dining Room.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Rental Agreement</li> <li>• Admission Packet</li> <li>• Lakewood Landing memory care has all private rooms. The doors lock and residents have keys.</li> <li>• Site Visit and Observation by state staff summary</li> <li>• Survey with legal decision maker</li> </ul>
<p><b>Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.</b></p>	<p>All consumers at Lakewood Landing are currently retired. Clients will be supported in their choice of work. “If you are employed or choose to volunteer, you have a right to have a work or volunteer schedule of your choice.”</p> <p>The consumer, power of attorney, or family control finances.</p> <p>The consumer can keep money in their possession if they desire.</p> <p>There is an option to open a resident account or saving account for activity fund.</p> <p>Engaging in community life is addressed below.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Survey with legal decision maker</li> </ul>
<p><b>Is integrated in and supports access to the greater community</b></p>	<p>Activity Calendars are posted to inform consumer and family of activities within the facility.</p> <p>The family/natural supports are encouraged to take the consumer out into the broader community. The facility will coordinate transportation if any resident would ask.</p> <p>Public Transportation is available.</p>

	<p>A "Getting to Know our Residents &amp; Family Members" is filled out at Admission to determine the likes and dislikes of the consumer.</p> <p>Monthly Activity Participation logs and outing information are kept for residents and reviewed at quarterly care conferences to determine community integration needs and restrictions.</p> <p>The person-centered plan of care is individualized for each consumer.</p> <p>Everyone accesses the building and units the same way. The facility entrance door is unlocked from 7:00AM to 7:00PM, locked from 7:00PM to 7:00AM. After hour entrance is available at the East entrance of the building for entry if the doors are locked by ringing the bell. Sign in and out is required for safety reasons, but there is no penalty if not done.</p> <p>The memory care unit is secured with egress access and alarm system, as well as a secured outdoor area. Instructions on entering the unit is provided at each door for visitors, which includes a keypad and the code posted by those doors.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Calendar of Events</li> <li>• Getting to Know our Residents &amp; Family Members form</li> <li>• Resident Activity Participation Log</li> <li>• Observation/Outing Information Log</li> <li>• Care Plan</li> <li>• Survey legal decision maker</li> <li>• Site Visit and Observation by state staff</li> </ul>
<p><b>Optimizes individual initiative, autonomy, and independence in making life choices</b></p>	<p>There are no visiting hours and guests can stay overnight. There is a required check in and out process to ensure safety and accountability in an emergency or fire.</p> <p>The Resident Handbook states the resident has the right to determine how you spend your time, who you want to spend time with and which activities you want to</p>

	<p>participate in. It also states that you can make choices about how you want to live your life that are significant to you. This includes deciding how you want to spend your time, what you would like your daily schedule and routine to be and what your health care wishes are. The interview with the consumer's legal decision maker indicated knowledge of these rights.</p> <p>The consumer can have a fridge and food in their room. One entrée is served at mealtime, but alternate food is available upon request. Toast, cereal, snacks available always.</p> <p>There is no assigned seating, occasional disposable plates and silverware. No protective coverings used.</p> <p>The laundry is locked as the residents need to go through the Medication room, and laundry is done by staff weekly. If the resident requests to do their laundry, the staff will assist them.</p> <p>If the resident desires to use the public phone in a private area, the resident will need to request the facility's cordless phone. There is a phone jack in living area and cell phones are allowed.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Site Visit and Observation by state staff</li> <li>• Survey with legal decision maker</li> </ul>
<p><b>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</b></p>	<p>All residents in memory care unit have private rooms which are lockable, and the resident has a key. Staff will knock on the door before entering. Management notifies the residents of any scheduled tasks which require access to their apartment.</p> <p>Consumers can furnish and decorate their unit as desired. Observation reflected consumer's own personal tastes in decorating their private living quarters.</p> <p>Several areas were available to provide private visiting areas.</p> <p>Resident handbook states consumer can have a phone in their apartment or Lakewood Landing will provide a portable phone to allow opportunity for private phone calls. Two consumers have cell phones.</p>

	<p>Staff training includes Resident Rights and topics of dignity and respect.</p> <p>The resident handbook reflects care and medications are given in private. The door to the medication and unit office are locked.</p> <p>Training to staff regarding knocking on the door and waiting for a response before entering the room.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• “Resident Complaint/Grievance” policy is included in the Admission Packet.</li> <li>• Resident Rights is included in the Admission Packet.</li> <li>• Site Visit and Observation by state staff</li> <li>• Staff Training Folder</li> <li>• Survey with consumer and legal decision maker</li> </ul>
<p><b>Facilitates individual choice regarding services and supports and who provides them</b></p>	<p>The consumer has a choice in who cares for them. Handbook states resident has the right to choose the person providing cares.</p> <p>The facility provides the consumer information regarding filing a grievance.</p> <p>There is a chapel and fee for service salon, in the facility and a list of other churches and services are given to the consumer. But the resident can choose to use their own church or beautician.</p> <p>Consumer medical care is provided per own preference. Option for medical treatment, PT, and OT to be given at facility.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook (Includes list of services outside of facility)</li> <li>• Resident Rights Booklet</li> <li>• “Resident Complaint/Grievance” policy is included in the Admission Packet. (Green Folder)</li> <li>• Site Visit and Observation by state employees</li> <li>• Staff Training Folder</li> <li>• Survey with consumer and legal representative</li> </ul>

<p><b>Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS</b></p>	<p>All consumers are treated the same. Consumers can eat in place of their choosing.</p> <p>The consumer can access the broader community for services if desired.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Resident Rights Booklet</li> <li>• Site Visit and Observation by state staff</li> <li>• Survey with consumer and legal representative</li> </ul>
<p><b>Person-centered service plan</b></p>	<p>Lakewood Landing has developed a care plan 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.</p> <p>The monthly participation logs are reviewed to ensure community integration and activities.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Person Centered Care Plan Review by State staff</li> <li>• Participation Log review</li> <li>• Care Note review</li> <li>• Lakewood Landing Care Plan review</li> <li>• HCBS Care Plan review</li> </ul>

<p><b>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.</b></p>	
<p><b>The individual has a lease or other legally enforceable agreement providing similar protections</b></p>	<p>The consumer or legal decision maker signs a lease agreement when the decision has been made to move into the facility. The lease follows ND landlord tenant laws.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Lease Agreement</li> </ul>
<p><b>The individual has privacy in their unit including lockable</b></p>	<p>The units for the residents are all single occupancy. The</p>

<p><b>doors, choice of roommates and freedom to furnish or decorate unit</b></p>	<p>bedroom and bathroom are equipped with lockable doors. 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.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Lease Agreement</li> <li>• Site Visit and Observation by state staff</li> <li>• Survey with consumer and legal decision maker</li> </ul>
<p><b>The individual controls his/her own schedule including access to food at all times</b></p>	<p>If a menu is not acceptable, a sandwich can be prepared. There are no assigned seats. Snacks are available throughout the day. 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 family indicated knowledge of these rights.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Site Visit and Observation by state staff</li> <li>• Survey with consumer and legal decision maker</li> </ul>
<p><b>The individual can have visitors at any time</b></p>	<p>Overnight guests allowed and there are no designated visiting hours.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Survey with consumer and legal decision maker</li> </ul>
<p><b>The setting is physically accessible</b></p>	<p>The setting is in a residential area in Mandan. The setting is ADA accessible.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Site Visit and Observation by state employees</li> </ul>

**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.**

On February 1, 2019, state staff contacted the consumers family member. The family had a choice when making the decision to move the consumer to Lakewood Landing as other options were available in the community. The family

understood the consumers right to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS.

The family member understood the right of the consumer to access the greater community as desired, the right to seek employment or volunteer in the community, the right to choose services and who provides them, the right to autonomy, and independence in making life choices, the right to control his/her own schedule always including access to food, and the right to privacy, respect, and freedom from coercion and restraint.

The consumer has privacy in the sleeping unit, freedom to furnish or decorate the unit, and the right to visitors at any time including overnights.

The family contacted understood these rights and understood any restrictions would be documented in the person-centered plan of care.

The consumers legal decision maker attends the care conference, knows the case manager, and understands that the consumer can have anyone they choose to attend the care conference.

**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.**

<b>Must be timely and occur at times/locations convenient to all involved.</b>	Power of Attorney for consumer stated that the care planning process is held at a convenient time and location. The POA knows that the consumer and family can invite anyone they choose.
<b>Reflects cultural considerations/uses plain language</b>	The person-centered service plan reflects cultural considerations and utilizes methods to ensure understanding of the plan.
<b>Discusses individual preference for community integration within and outside the setting.</b>	<b>Life History Form:</b> Indicates previous careers and memberships. The Life History Form indicates the activities the consumer enjoys. The care plan lists preferences in activities and a participation log is utilized to indicate participation in activities.
<b>Includes strategies for solving disagreement</b>	The care plan discusses strategies to assist the consumer in addressing any disagreements by implementing activities that the consumer enjoys. The facility has set a goal to encourage the consumer to participate in activities.
<b>Offers choices to the individual regarding services and supports the individual receives and from whom</b>	The care plan indicates the type of services that are being provided are based on the consumers preference.
<b>Provides method to request updates</b>	Resident Handbook states "A resident or responsible party may request a Care Plan meeting at any time."
<b>Reflects what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare</b>	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.
<b>Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes</b>	Care planning includes Strengths, needs, goals and task.
<b>May include whether and what services are self-directed and includes risks and plan to minimize them</b>	Care planning includes risks.
<b>Includes individually identified goals and preferences</b>	Facility and the HCBS Care planning includes Identified goals and

<p><b>related to relationships, community participation, employment, income and savings, healthcare and wellness, education and others</b></p>	<p>preferences related to values “What is important to client”, Community Integration and Social Support, Family, Decision Making, Financial, Education, Employment, Healthcare, Medications, Nutrition, Mental Health, Cognitive, Behavior, and Safety</p>
<p><b>Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary</b></p>	<p>HCBS care plan is signed by the HCBS Case Manager and the family who is the POA.</p>

**Date of Review of Evidence Package by the HCBS Settings Committee:**

Date: \_\_\_\_\_

**Reviewed by the following Committee members:**

Nancy Nikolas Maier, Director of Aging Services  
 Karla Kalanek, Developmental Disabilities Program Administrator  
 Heidi Zander, Developmental Disabilities Program Administrator  
 Karla Backman, State Long Term Care Ombudsman  
 Katherine Barchenger, State Autism Coordinator  
 Shirley Fender, HCBS Program Administrator  
 Russ Korzeniewski, Risk Management Program Administrator

**The committee gave recommendations to update the handbook to allow the consumer and family better understanding of the consumer’s independence in making life choices and the right to control his/her own schedule.**

- **In the Resident Handbook under Independent Choices, it states “clients are required to record in the client logbook when leaving the facility and sign in upon their return.”** Maybe change the wording to say recommended. **Lakewood CEO would like to keep it as required but stated there is no penalty if it is not done.**
- **Include in the Resident Handbook how a care plan meeting is scheduled and with who. Service/Care Plan policy included.**

**Date of Compliance with above Recommendations:**

**Committee Decision:**

**Setting Fully Complies**

- Setting with additional changes will fully comply**
- 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.**