

Review Protocol for Compliance with MN Statute 144G

Definition of Assisted Living

Assisted Living is a term to describe a Housing with Services (HWS) establishment, or a service, service package, or program available within a housing with services establishment that, meets the minimum requirements of MN Statute 144G.

Procedures:

The Review for compliance with 144G is incorporated into the Class A and Class F survey process and will include the following tasks:

1. Pre-survey review
2. Entrance Conference
3. Information gathering including interviews, documentation review, observations and home visits.
4. Decision making
5. Exit conference
6. Post review packet completion

1) Task 1 Pre-survey:

- a) The reviewer accesses information in Paradise for the Home Care Provider (HCP) they will be surveying.
- b) In Paradise, the reviewer retrieves the information for **each** Housing with Services (HWS) establishment, where it is noted that the HCP provides services at by using the HWS's HFID number.
- c) In the provider detail screen, if the HWS has declared themselves to be "assisted living," the HWS type will be noted as "A" in a box at the top right of screen.
- d) In the provider detail screen in the bottom left corner of the screen, it will be noted as to whether or not the HWS has claimed the awake-staff exemption.
- e) The reviewer accesses the Case Mix Review (CMR) pool, and looks in the folder titled, "AL Reviews" to see if there is information related to the sites noted as being served by the HCP. The reviewer will check the date of the last 144G review of the HWS. If a review of 144G has occurred within the past year at a HWS site, the reviewer would generally not conduct a 144G review of this building.
- f) The HCP electronic survey file is downloaded from the MDH Intranet per established procedures. The HCP survey file includes the MN Statute 144G Assisted Living Checklist that will be needed.
- g) Copies of the MN Statute 144G Assisted Living Checklist and the HWS Assisted Living Worksheet (located in the CMR pool) are printed.

- 2) **Task 2: Entrance Conference:** The entrance conference for 144G review is conducted with the housing manager/designee at **each** HWS site and **may** be concurrent with the home care provider entrance conference when the HCP office is located in the HWS establishment. In most cases the 144G entrance conference

should be conducted prior to information gathering for the HCP survey. The purpose of the entrance conference is to create a positive climate for the 144G review process and includes the following:

- a) The reviewer will briefly explain the 144G review process and will give the HWS manager/designee the following documents:
 - i) Guide to the MN Statute 144G Assisted Living Review Process
 - ii) Housing with Services Assisted Living Introductory Letter
 - iii) A Housing with Services Assisted Living Worksheet
- b) Using page 1 of the reviewer's copy of the HWS Assisted Living Worksheet, the reviewer will obtain information from the HWS manager from **each** site to determine if the HWS needs to comply with MN Statute 144G. In some instances, the establishment may have this worksheet completed prior to the visit. If so, the reviewer will review this information and ask questions as appropriate.
- c) If after completing page 1 of the HWS Assisted Living Worksheet, the reviewer determines that the HWS does not need to comply with the 144G requirements, the reviewer is done with the 144G review, and continues with the HCP survey.
- d) If after completing page 1 of the HWS Assisted Living Worksheet, the reviewer determines that the HWS needs to comply with 144G requirements the reviewer uses pages 2 and 3 of the HWS Assisted Living Worksheet as a guide to discussion with the HWS manager to help determine if they are in compliance with the minimum requirements of MN Statute 144G. The reviewer documents the findings on the HWS Assisted Living Worksheet.
- e) If during the initial discussion, the reviewer determines that the HWS does not meet one of the requirements in boxes 1, 2, 3 or 4, the reviewer should immediately call the CMR Coordinator/Supervisor or Program Manager to discuss the findings related to boxes 1, 2, 3 or 4 and to receive further direction.

Note: If at any time during the the review, the establishment indicates that they intend to change their assisted living status, the reviewer should call the Coordinator/Supervisor for direction.

- 3) **Task 3: Information-gathering**: The information-gathering begins at pre-survey, continues as you drive up to the building and observe their signage, and is incorporated into the entrance conference. Information gathering is the focus throughout the review of 144G and is an organized, systematic, and consistent process designed to enable reviewers to make decisions concerning the Housing with Services establishment's compliance with the requirements of MN Statute 144G. Action steps involve observations as needed including a tour of the HWS establishment, interviewing staff, home visits, and review of appropriate documents including policies, procedures, the uniform consumer guide and marketing materials.
 - a) When the reviewer chooses the HWS sites for review of 144G during the home care survey, the HWS's Assisted Living status will be given the same weight as a memory care unit in the selection criteria. See details in the survey protocols for licensed-only home care for the selection criteria. The 144G review will be conducted in all HWS sites that are visited as part of the home care survey unless the HWS has had a 144G review within the last year.

- b) The reviewer tours the HWS establishment to get a general overview of how 144G requirements are met. If possible, observations are made regarding the system for daily checks and the means for clients to request assistance.
 - c) Throughout the review process, verify the accuracy of the HWS worksheet information supplied by the establishment and compiled by the reviewer.
 - d) When home visits are conducted during the home care survey process, the reviewer has an opportunity to verify the information from the HWS Assisted Living Worksheet such as the means to request assistance, the daily check system and whether the AL clients were provided a copy of the current uniform consumer guide. The client interview may be the reviewer's best opportunity to verify the awake-staff requirement.
 - e) Staff members are interviewed during the course of the home care survey. This is an opportunity to verify that staff members have access to an on-call registered nurse. The reviewer would ask staff to show the reviewer how the systems identified in the HWS Assisted Living Worksheet are implemented.
- 4) **Task 4: Decision-making.** The minimum requirements of 144G as listed on the HWS Assisted Living Worksheet are reviewed and compared to information that was gathered during home visits, interviews and the tour. Any areas where the minimum requirements are not met are identified. The reviewer uses the additional information that was gathered during the HCP survey to verify the initial 144G compliance findings that were made based on the data collected on the Housing with Services Assisted Living Worksheet during entrance. The reviewer will immediately notify the CMR Coordinator/Supervisor or Program Manager if the reviewer identifies additional components of the four key health/safety requirements in boxes 1, 2, 3 or 4 on the Housing with Services Assisted Living Worksheet are found to be not met. The reviewer:
- a) Completes all applicable pages of the HWS Assisted Living Worksheet for **each** HWS site that is visited during the home care survey and indicates whether the establishment is meeting 144G requirements. If the requirements are met, the reviewer will check "yes" on the MN Statute 144G Assisted Living Checklist and the reviewer will document on their 144G notes how the establishment has met the requirements for boxes 1 through 4.
 - b) Indicates if there are areas where the establishment has not met the minimum assisted living requirements. The reviewer will document in their 144G written notes as to why the establishment has not met the requirement, and makes copies of documents as needed.
 - c) The reviewer completes the electronic MN Statute 144G Assisted Living Checklist, and documents the areas of MN Statute 144G that are not met under the MN Statute 144G Review Results heading. When documenting these findings, the reviewer includes in their documentation who, what, when, and where as appropriate.
- 5) **Task 5: Exit Conference.** Each establishment is offered an exit conference. The purpose of the exit conference is to outline the preliminary findings from the 144G review. The exit conference for 144G review is conducted with the housing

manager/designee and may be concurrent with the home care provider exit conference when the home care provider office is in the HWS establishment. An exit conference may occur by telephone as appropriate. The findings are presented in a straightforward, understandable way, and in a clear logical sequence. The establishment is given a copy of the MN Statute 144G Assisted Living Checklist marked DRAFT at the exit and is told a final copy will be sent to them. If the exit conference is not in person, the reviewer may fax or send the DRAFT copy of MN Statute 144G Assisted Living Checklist to the housing manager. A separate attendance sheet is completed for each site's 144G exit.

6) Task 6: Post-survey Packet Completion

a) The Paper File:

i) All forms are reviewed by the reviewer to make sure they are complete and accurate, including the establishment's name, address, HFID, date(s) of review, and reviewer's name. For **each HWS AL site reviewed**, documents are organized, flagged, and put in a small colored accordion file. The file would include the following documents:

- (1) HWS Assisted Living Worksheet with reviewer notes
- (2) 144G Assisted Living Checklist
- (3) The 144G Exit Conference Attendance sheet
- (4) Additional handwritten reviewer notes
- (5) Copies of HWS documents obtained onsite

ii) The paper file is returned to central office within two business days as per CMR policy.

b) The Electronic File:

i) The following form(s) in the electronic file are reviewed to make sure they are complete and accurate, including the establishment's name, address, HFID and date(s) of review, making certain there is one set of forms for each HWS that was reviewed during the HCP survey process:

- (1) 144G Assisted Living Checklist(s)

ii) The electronic home care survey file which contains the 144G Assisted Living Checklists is then saved, closed and uploaded via the Intranet to the central office per CMR procedure as soon as possible, but no later than three working days after exit.