



On-site visit expectations for settings presumed not to be Home and Community Based Services (HCBS)

The Centers for Medicare and Medicaid Services (CMS) provided guidance and exploratory questions to assist states in assessing whether the characteristics of Medicaid Home and Community-based Services (HCBS), as required by regulation, are present in all HCBS settings. Minnesota has identified settings that are presumed not-to-be HCBS either through the setting attestation process, geo-mapping of setting location in comparison to a public or private institution, or through public input.

The Minnesota Department of Human Services (DHS) has prepared an outline of the on-site visit process for providers identified as presumed not to be HCBS to know what to expect.

General information

DHS staff will be present to conduct the on-site visit for each setting. We anticipate the on-site visit to last approximately 2-3 hours. We will schedule the visit by coordinating with the administrator/owner of the setting to ensure appropriate staff and people receiving services are available during the scheduled visit.

It is our expectation that settings that are presumed not-to-be HCBS can meet the HCBS Final Rule requirements. DHS will share guidance and feedback to assist settings with transitioning to full compliance with the HCBS Final Rule requirements during the visit, including a brief exit meeting to review the general findings of the on-site visit.

Scheduling of the On-site visit

DHS will:

- Contact the provider to coordinate a date and time for the on-site visit. The visit will be approximately 2-4 weeks from the date of contact.
- Verify demographic and contact information for each setting with the provider
- Review the HCBS provider attestation information with the provider at this time. The provider will have the opportunity to clarify questions DHS has regarding submitted attestation responses or submitted supporting documentation. The (designated email) e-mailbox should be used if the provider needs to submit additional or revised documents after their attestation review.
- Contact the provider again approximately 1 week prior to the scheduled visit via the HCBS email box to confirm the date and time of the visit.

Prior to the on-site visit:

Settings are encouraged to share the following resources with people receiving services to help them understand the purpose of the on-site visit:

1. Informational handout: "What does HCBS rule mean to me?"
https://mn.gov/dhs/assets/03072017-HCBS-flyer-What-does-HCBS-rule-mean-for-me-accessible_tcm1053-284054.pdf
2. View the [Home and Community-Based Services Rule Overview video](#) for more information.

On-site visit process

The following is an outline of the intended on-site visit process that DHS will be conducting.

1. Observations

DHS will conduct an observational assessment of the setting based on the CMS guidance document, [Frequently Asked Questions Regarding the Heightened Scrutiny Review Process and Other Home and Community-Based Settings Information](#) <https://www.medicaid.gov/medicaid/hcbs/downloads/home-and-community-based-setting-requirements.pdf>. Observations will also be made outside of the setting, for example, setting's entrances, signage, location relative to surrounding community, outdoor space etc.

- The observational assessment on the inside of the setting will begin with the provider guiding a tour of the setting and providing a general overview the HCBS services and other services provided at the setting.
- DHS staff will be taking notes and photos of the setting for use as evidence of compliance with HCBS requirements.

2. Interviews

DHS will conduct interviews with the setting's administrative staff, direct care staff and people receiving waiver services at the setting. The interview questions are adapted from the CMS Exploratory Questions documents for [Residential Settings](#); and [Non-Residential Settings](#)

- Administrator/Owner interview
 - DHS will conduct an interview with the administrator/owner to obtain information regarding how the setting meets HCBS requirements.
- Staff interviews
 - DHS staff will conduct an interview with a staff person that provides HCBS services. Staff interviews are intended to collect setting practice information and general information regarding the supports and services offered to people receiving HCBS services in the setting.
- People receiving services interviews
 - DHS staff will conduct an interview with one to two people at each setting who are receiving HCBS funded services.
 - The interviews with people are intended to obtain the person's experience level information regarding the delivery and availability of the HCBS services offered at the setting.

3. Exit meeting/Next steps

To conclude the on-site visit, DHS will conduct an “exit meeting” with the provider to answer any questions related to the visit.

- DHS will share general findings of the on-site visit.
- Encourage providers to reference the “[Provider’s guide to putting the HCBS rule into practice](#)” (PDF)
- DHS will provide information on next steps including the public comment process, the setting’s evidentiary package, and submission of the setting’s evidentiary package to CMS for heightened scrutiny.