

# HCBS Final Rule Evidentiary Package

## Briarwood



### Setting information

Setting Name: Briarwood	ID # 730
Street Address: 630 5 <sup>th</sup> Street SW, Perham, MN 55673	Phone: 218-347-1865
Setting website, if applicable: <a href="https://www.perhamhealth.org/perham-living/briarwood/">Briarwood</a> ( <a href="https://www.perhamhealth.org/perham-living/briarwood/">https://www.perhamhealth.org/perham-living/briarwood/</a> )	Date of site visit: 7/17/2018

### Waiver service type

Waiver service	Service type:
<input type="checkbox"/> Alternative Care (AC) <input checked="" type="checkbox"/> Elderly Waiver (EW) <input type="checkbox"/> Brain Injury (BI) <input checked="" type="checkbox"/> Community Access for Disability Inclusion (CADI) <input checked="" type="checkbox"/> Community Alternative Care (CAC) <input type="checkbox"/> Developmental Disabilities (DD)	Customized Living

## 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 Perham Living, 735 3Rd St Southwest, Perham, MN, 56573

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

## General summary

Briarwood is a registered housing with services setting offering independent living and customized living services and to persons 55 years and older. Perham is a rural city located in Northwest Minnesota, and as of the 2016 census, the population was 3,300.

Briarwood is located within a residential area of Perham and is within close proximity to churches, restaurants, healthcare, parks, and shopping.

Briarwood is owned by the Perham Hospital District and Perham Living Home Care provides the customized living services in this setting. At the time of on-site visit, two people living in the setting were receiving Customized Living services at Briarwood. These two individuals were not enrolled in the Elderly Waiver.

## Customized living provider standards/qualifications

Licensure requirements and other state regulations for customized living services clearly distinguish these services/settings from institutional licensure or regulations.

Customized living services are provided in housing with services establishments with the service provider directly licensed as a comprehensive home care provider by the Minnesota Department of Health. Customized Living services provide an individualized package of regularly scheduled health-related and supportive services provided to a person who resides in a qualified, registered housing with services establishment.

## Customized living service definitions that support the setting requirements

Customized living (CL) and 24-hour CL services include component services designed to meet the person's assessed needs and goals. Individualized CL services may include supervision, home care aide tasks (e.g., assistance with activities of daily living), home health aide task (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting enrollees with arranging meetings and appointments, assisting with money management, assisting participants with scheduling medical and social services, and arranging for or providing transportation. If socialization is provided, it must be part of the service plan, related to established goals and outcomes and not diversional or recreational in nature.

For more details about the component services, including what is covered and distinctions between each see [Customized Living Component Service Definitions, DHS-6790H \(PDF\)](#).

(<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6790H-ENG>)

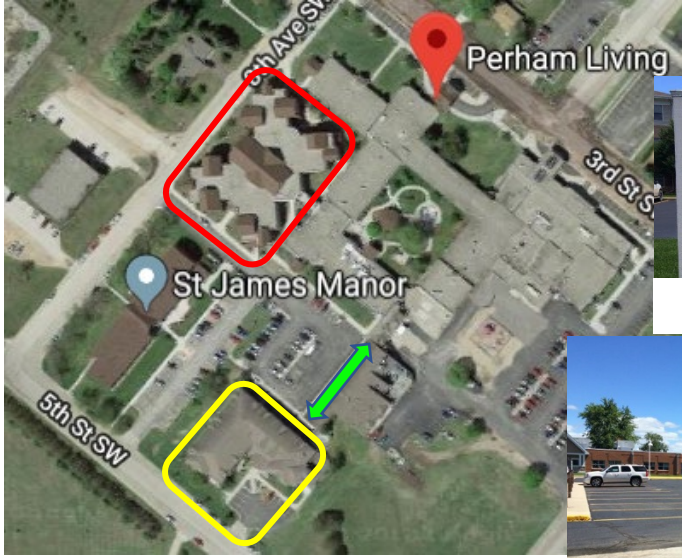


Minnesota's Community Based Services Manual (CBSM) provides the following requirements for [customized living services](#):

[http://www.dhs.state.mn.us/main/id\\_001787](http://www.dhs.state.mn.us/main/id_001787)

# 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>Briarwood is an independent living apartment building located on the Perham Living/Perham Health continuum of care campus. All settings on the campus are owned by the Perham Hospital District. There is clear separation of the HCBS setting, Briarwood, from the Perham Health nursing facility, also located on the campus. The two distinct settings have separate policies, directors, nursing, activities and resident assistant staff.</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>The Perham Health nursing facility staff do not provide support or back up for the staff at the HCBS setting, Briarwood.</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>Briarwood and Perham Living Home Care has access to the campus van for community activities. The setting also has access to and utilizes the Perham city bus (Otter Express). Additionally, Perham has community volunteer drivers and family members also provide transportation to people receiving services at the setting. Most individuals living at Briarwood provide their own transportation.</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>Perham Living Briarwood (building circled in yellow) is a separate independent living apartment building on the Perham Living campus. Briarwood is connected to the institutional nursing facility (circled in red) only by walking through a car garage building (green arrow) in the aerial picture. Perham Living Briarwood has a separate building, parking, entrance and signage from the nursing facility located on the campus.</p> <div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;"><i>Aerial photo of campus</i></p> <div style="display: flex; justify-content: space-around;">  </div> <p style="text-align: center;"><i>Car parking garage</i></p>
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## Community engagement opportunities and experiences

Briarwood is an independent living apartment building for people aged 55 and older. The majority of people living in the building do not require customized living services. Although most people are independent and provide their own transportation, Perham Living Home Care does maintain and facilitate weekly opportunities for community engagement as part of the customized living program. Most individuals go out into the community on a daily basis.

The setting provides a monthly and weekly calendar of activities that are occurring on site and in the community. The activity coordinator elicits ideas for the activity calendar by attending the Resident Council monthly meetings and asking for resident input. Ideas are also requested at other meeting opportunities, usually right before lunch. Copies of the calendars are available on the counter in the main common entry of the setting, posted in the lunch area and in each elevator.



*Bulletin board with area happenings*

The main source of transportation to engage in the community is the local “Otter Express” bus. The bus is scheduled to arrive at the setting every two weeks as listed on the calendar. These scheduled trips are free of charge. The scheduled activities the setting utilizes the Otter Express to go to include:


- Grocery shopping trips
- Banking trips
- General shopping trips to Walmart and Dollar Tree stores
- Attend town fairs
- Attend town parades
- Pictures were observed of people living at this setting enjoying a trolley ride around town with other residents of the community.


People use the Otter Express more often to go out on their own. The bus is available to call at any time a person would like to go somewhere. The cost to travel anywhere in Perham is about one dollar each way. Examples of places people living in this setting go to most often include:

- Church
- Trade shows
- Fairs
- Going to the lake
- Men’s and women’s night out

A picture of a 103 year old woman in her graduation hat and gown that lived at the setting was observed. Her goal was to receive her high school diploma and she completed her goal in 2018.

## 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 checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The setting submitted a compliant lease and included the HCBS requirements in the Housing with Services (HWS) contract. This is signed by the setting and the person receiving services.</p>	<p>Compliant</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 checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <div style="text-align: center;">  </div> <p>Locks were observed on the apartment doors. HWS contract/Lease includes the following right:</p> <p>“All residents have a right to and will be provided a lockable door to their units. These locks will be provided by Briarwood. Only staff members will have keys to units and will give advance notice of entering the unit, if at all possible.”</p> <p>Lock observed on person’s apartment door (see picture).</p>	<p>Compliant</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 checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>HWS contract/Lease includes the following right:</p> <p>“You have the right to choose a roommate that you wish to share your unit with; however, this roommate must also pass Briarwood’s usual background checks.”</p> <p>Observation made of single unit apartment. Person in the apartment reported she liked her apartment.</p>	<p>Compliant</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 checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p>  <p><i>Person's apartment furnished as desired</i></p> <p>HWS contract/Lease includes the following right:</p> <p>“Residents have the right to furnish and decorate the living unit. You will supply all furniture and furnishings in your apartment unit.”</p> <p>Person’s apartment observed to be decorated with her personal belongings.</p>	<p>Compliant</p>



**The setting provides people the freedom and support to control their daily schedules including access to food at any time.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit



HWS contract/Lease includes the following right: “Resident may access food at any time in your unit, or at a resident function in the community room.” Pictured (right) is the common area dining room and coffee/snack/fruit area (left). Also see living unit kitchen observed in pictures above, where people can store food in their individual apartments. Meals on Wheels and MOM’s food delivery options are also utilized by people living in the setting.

**The setting allows people to have visitors at any time.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit



HWS contract/Lease includes the following right: “Residents have the right to choose their visitors and at what time they wish to visit them. They may visit with their guests anywhere in Briarwood, as long as the room is available.” Several sitting/visiting areas observed throughout the setting.

<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>Setting’s “Client employment and volunteerism” policy states: “As part of the admission process for services, the nurse will assess and document any current employment or volunteer work and assess for any interest in these areas. If the resident has interest or a current working schedule, the facility will coordinate with the case manager on flexible scheduling, to accommodate the resident’s work schedule, as appropriate, in order to deliver services in a way to complement their schedule and meet their needs.</p> <p>Director reported that people living in the setting also work in the gift shop located in the “Town Center” building. Other people volunteer at their local church, and others work at the Senior Center and deliver Meals on Wheels.</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>HWS contract/Lease includes the following right: “Residents have physical access to the building at all times.” Director reported that each person has keys to main entrance of the building. Visitors ring a bell to the person’s room to gain access. The setting has elevators to facilitate accessibility. Grab bars also observed in individual’s apartment.</p>	<p>Compliant</p>



Compliant

**The setting provides people opportunities to access and engage in community life.**

- Compliant documentation submitted with attestation
- Observation made during on-site visit

Setting policy, “Resident Rights in Housing with Services Settings” states, “Residents have the right to freely access and engage in community life and control their own schedules.” Pictured (top right) is a weekly activity calendar, including community based activities for the week. During the on-site visit, most people were out in the community.

Observed people attending an activity of their choice. This computer (photo bottom right) has internet access for people to use and it is located in the library room.

HWS contract/Lease includes the following right: “You are free to make arrangements for services with the providers of your choice, regardless of whether or not Briarwood has an arrangement with the desired providers.”

**The setting supports the person’s control of personal resources.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit

HWS contract/Lease includes the following right: “The resident has the right to manage their own resources.” Setting policy, “Resident Rights in Housing with Services Settings” states, “Setting supports the person's control of personal resources”.

<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>HWS contract/Lease includes the following right: Each resident has privacy in their apartment with a lockable door. Setting policy, “Resident Rights in Housing with Services Settings” states, “Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint”</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>HWS contract/Lease includes the following right: “Residents have the right to be treated with dignity and respect at all times.” Setting policy, “Resident Rights in Housing with Services Settings” states, “Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint”</p> <p>Observed staff conversing with person’s living in the setting in a respectful manner. People observed were well groomed and clothed in the clothing of their choosing.</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>HWS contract/Lease includes the following right: “Residents have the right to live freely of coercion or restraint.” Setting policy, “Resident Rights in Housing with Services Settings” states, Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>Observed people moving about freely inside and outside of the setting, as desired.</p>	<p>Compliant</p>

**The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.**

Compliant documentation submitted with attestation

Observation made during on-site visit



HWS contract/Lease includes the following right: “Residents have the right to have full autonomy and independence in making life choices including daily schedules and with whom they interact.” Pictured (left) is a laundry room. Pictured (right) is exercise equipment in a common area of the setting.

Compliant

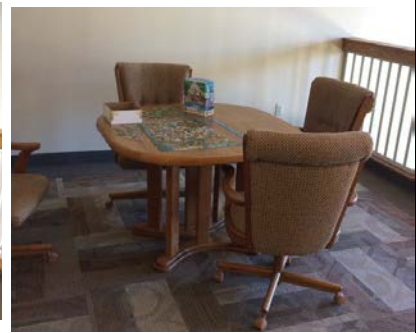
# Pictures of the HCBS setting



*Library room*



*Sitting area in common area*



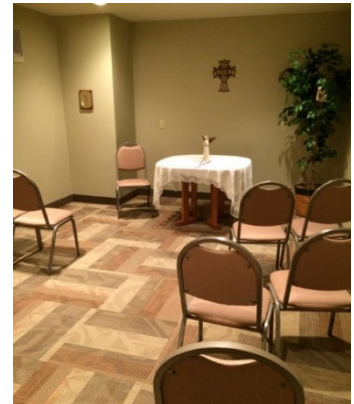
*Puzzle table in common area*



*Barber/Beauty salon in the setting*



*Pool table in common area*



*Chapel room*

## 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.**