

HCBS Final Rule Evidentiary Package

Mala Strana Assisted Living



Setting information

Setting name: Mala Strana Assisted Living	ID # 30219
Street address: 999 Columbus Ave. N, New Prague, MN 56071	Phone: 952-758-2511
Setting website, if applicable: Mala Strana Assisted Living (https://monarchmn.com/mala-strana-assisted-living)	Date of site visit: 7/25/2018

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 type="checkbox"/> Community Access for Disability Inclusion (CADI) <input 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	Mala Strana Health Care Center

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

General summary

Mala Strana Assisted Living is a customized living setting located in New Prague, MN. New Prague is located in southeast Minnesota, in both Scott and Le Sueur counties. Though New Prague is a growing community, it is still a smaller city, with the population 7,321 in the 2010 Census.

Mala Strana Assisted Living is located on a continuum-of-care campus managed by Monarch Healthcare Management. The campus offers customized living, rehabilitation services, respite and skilled nursing care.

The setting has 34 units. At the time of the attestation, four people were using the Elderly Waiver to pay for customized living services.

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 to a person who lives 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: [CBSM page on Customized Living](#)


(http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_001787#)

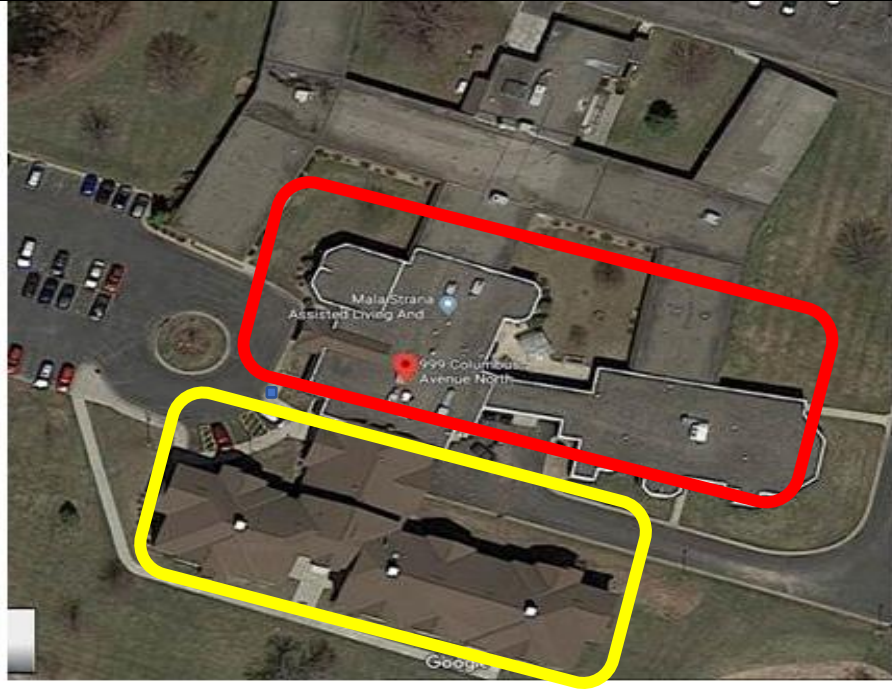
Prong 1 and Prong 2 settings

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>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>The campus has an administrator who oversees the whole campus. The customized living setting has its own staff that runs the day-to-day operations of the customized living facility. The customized living setting has its own clinical/nurse manager. The activity director is the same for both sites, but there are multiple staff members supervised by the director who are dedicated to planning only the customized living activities and experiences.</p>

<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>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; (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 HCBS settings regulations.)</p> <p>Some of the staff at the nursing facility also work in the customized living setting, but never on the same shift. These nursing facility staff receive training on the HCBS settings rule.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>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; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>The setting has access to a van that the campus owns. They use this accessible bus for activities. People have access to Scott County Dial-a-Ride services, private transportation companies such as Stier Transportation and medical transportation providers.</p> 
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space in which institutional services are provided.</p> <p>The customized living setting, shown outlined below in yellow, is a separate building from the nursing facility, which is outlined in red. The nursing facility and the customized living setting are connected via a hallway and a doorway.</p>



Hallway connecting the two buildings

Community engagement opportunities and experiences

Mala Strana has many opportunities for people to stay engaged in their community and experience new things. People are asked about their interests and activities they would like offered when they move in. They are also given surveys to assess interest in different activities. They give input during tenant council meetings about activities desired and feedback on activities they have attended. They are told about activities offered through a monthly calendar. Their options are discussed every morning at breakfast. In addition, staff will knock on doors to remind people of offerings. A table with all of the activity signup sheets is in a common area. Some of the community activities offered are:

- Trips to Minnesota's largest candy store and apple orchard
- Chanhassen Dinner Theatre
- Hayrides
- Fishing
- Shopping
- Religious services and tours of churches
- Dining at local restaurants
- Plays

People often go out on their own, with family or with friends to do various activities, such as:

- Family activities and celebrations
- Dining at the local restaurants
- Shopping
- Church

Onsite activities include bingo, card and dice games, exercise, music, religious services and arts and crafts.

One person living in the setting organizes and runs her own bingo sessions.

Children come to the site, which people really enjoy.



Activity bulletin board



Activity sign up table

HCBS characteristics

<p>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.</p>	
<p>HCBS Rule requirement</p>	<p>Compliance status (Please select)</p>
<p>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</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 provided an HCBS-compliant lease agreement as documentation through the provider-attestation process. People interviewed said they had a lease for their apartments.</p>	<p>Compliant</p>
<p>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</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>Locks were observed on all of the doors in the setting. People interviewed said they can lock their door if they want privacy.</p>	<p>Compliant</p>
<p>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>This is not applicable. There are no shared bedrooms at this site, except for partners/spouses or roommates of their choice.</p>	<p>Compliant</p>

<p>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</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>People were interviewed in their apartments, and their units were observed to be decorated with personal items such a photos and memorabilia. People interviewed said they were able to furnish their apartments as they wished. One person interviewed was a World War II veteran, and he had many items from his military career in his apartment.</p>	<p>Compliant</p>
<p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</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>When asked if they feel they control their own schedules, people responded that they do control their schedules. One person said, “They don’t tell me what I need to do, but they are here when I need help.” People interviewed said they felt they could get food at any time. One person indicated that setting staff will save a plate for you if you ask them to. Another person said, “I keep my own stuff in my apartment if I want a snack.” The apartments all have their own kitchen and refrigerators for food storage. In one of the common areas, there is a snack area with food and coffee available.</p>	<p>Compliant</p>



Kitchen in one of the units



Snack and coffee area

<p>The setting allows people to have visitors at any time.</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>During the interviews, people interviewed said they could have visitors at any time</p>	<p>Compliant</p>
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</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>Staff interviewed said none of the people living in the setting were working at this time. However, if they were to work, staff would be flexible to support them and their schedules. People interviewed said they did not wish to work at this time.</p>	<p>Compliant</p>
<p>The setting is physically accessible to the individual.</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>This setting is physically accessible to people. No barriers were observed. Accessible features, such as grab bars in the bathrooms, were observed.</p>	<p>Compliant</p> <div data-bbox="777 978 1144 1268" data-label="Image"> </div> <p><i>Bathroom shower with grab bars</i></p>
<p>The setting provides people opportunities to access and engage in community life.</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>See Community Engagement section. People are offered opportunities to experience their community for recreation and leisure and also to receive services such as medical and dental services. There are some on-site services, such as OT, PT and speech therapy that are provided through Remedy Therapy. However, people know they may choose their own providers. One person said, “I like to go to my own doctors.”</p>	<p>Compliant</p>

<p>Another person talked about how staff will help set up transportation for them to see their own providers.</p>	
<p>The setting supports the person’s control of personal resources.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Not applicable. This setting doesn’t provide money-management services.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</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>Staff were observed knocking before entering apartments. Another staff member was observed pulling a person aside to ask a question of them, instead of asking in front of others. People interviewed said they feel their privacy is respected.</p>	<p>Compliant</p>
<p>The setting ensures people’s dignity and respect.</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>Staff were observed to treat people with respect, calling them by their names, and also paying attention when they were asking questions. People interviewed all said they were treated well by staff. One person said they were very happy living here and didn’t have anything they would change. Another person said the staff were “Real nice to me.”</p>	<p>Compliant</p>
<p>The setting ensures people’s freedom from coercion and restraint.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act. A copy of the Home Care Bill of Rights is also given to people to inform them of their right to be free from coercion and restraint.</p>	<p>Compliant</p>

<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</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>People interviewed said they make their own decisions about their lives. One added “sometimes with help from family.” One person said she liked the choices of things to do in any given day. She said, “I definitely have enough to do.” One staff said, “They choose what they want to do and when.”</p>	<p>Compliant</p>
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Pictures of the HCBS setting



The entryway



Dining room



The hobby room



Sitting room

Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from April 30, 2019, to June 9, 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 [May 10, 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: 7/1/2019

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.