

# HCBS Final Rule Evidentiary Package

## CHI LakeWood Health, Parker's Arc



### Setting information

Setting name: CHI LakeWood Health, Parker's Arc	ID # 20421
Street address: 600 Main Ave South Baudette, MN 56623	Phone: 218-634-2120
Setting website, if applicable: <a href="https://lakewoodhealthcenter.org/assisted-living-2/">CHI LakeWood Health, Parker's Arc</a> ( <a href="https://lakewoodhealthcenter.org/assisted-living-2/">https://lakewoodhealthcenter.org/assisted-living-2/</a> )	Date of site visit: 8/6/2018

## 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	Name of Institution Lakewood Health Center, 600 Main Ave S, Baudette, MN, 56623

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

## General summary

Parker's Arc is a 10-unit, housing-with-services setting that includes customized living services provided by Catholic Health Initiatives (CHI) LakeWood Nursing Service, a comprehensive home care provider. The setting is located on the CHI LakeWood Health Center campus in Baudette, Minnesota. Baudette is a rural town located in north-central Minnesota on the border between the United States and Canada. The population of Baudette was 1,106 at the 2010 census.

At the time of the on-site visit, the setting reported that seven people currently resided in the setting and received customized living services. Two of the seven people received services funded by 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 tasks (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting people with arranging meetings and appointments, assisting with money management, assisting people 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) (<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 for customized living services](http://www.dhs.state.mn.us/id_001787#) ([http://www.dhs.state.mn.us/id\\_001787#](http://www.dhs.state.mn.us/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>There is clear distinction between the services provided at LakeWood Care Center (nursing facility) and the customized living services provided at Parker’s Arc (customized living setting). Parker’s Arc services are provided and managed by the CHI LakeWood Nursing Service. The public health manager of the CHI LakeWood Nursing Service provides the oversight and direction of the customized living programming and staff.</p> <p>As part of the CHI LakeWood Health Center continuity of care campus, Parker’s Arc shares administrative, social services and financial oversight with the LakeWood Care Center nursing facility on the campus.</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>Licensed nursing staff is available on campus 24 hours per day, 7 days per week. The staff are responsible to respond to requests for assistance with health or safety needs. Full-time direct care staff are hired to work at Parker’s Arc on all day shifts, beginning at 7:30 a.m. The acute care or nursing facility (Lakewood Health Center) staff are responsible to provide services, as requested for health and safety, at Parker’s Arc during evening and nighttime shifts. Parker’s Arc has revised their policies to ensure all facility staff are trained specifically to meet the HCBS setting requirements.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet	<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</p>

Not applicable

available public transportation or an explanation of how transportation is provided where public transportation is limited.)

One transportation option people living at Parker's Arc use is sharing transportation with the LakeWood Care. People also have the option to use the community Paul Bunyan public transit (locally called the Maxi-van). The social worker at Parker's Arc is also available to help people arrange transportation during hours the Paul Bunyan bus is not operating, such as weekends and evenings.

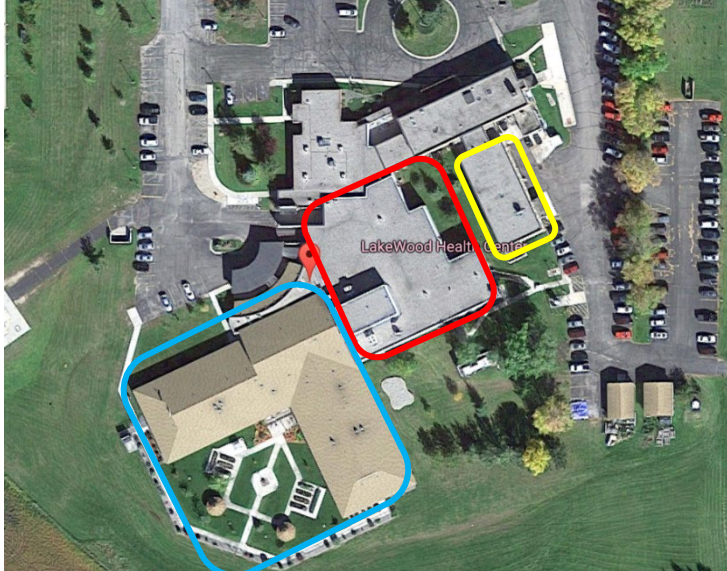
Met

Unmet

Not applicable

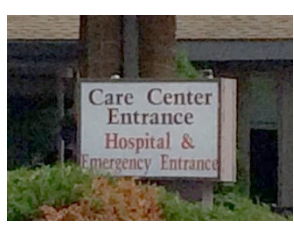
**The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.**

Parker's Arc is located in a distinct and separate area from the acute care hospital, nursing facility, clinic and other programs within the connected buildings, as shown in the aerial photo below. Parker's Arc is highlighted in yellow, the hospital in red and nursing facility in blue.



The remaining areas of the building include behavioral health, cardiac rehab, Body Works Fitness Center, Diabetic Resource Center, LakeWood Foundation, LakeWood Therapies and the public

health clinic and offices. Below are pictures of the different signage around the building entrances.



## Community engagement opportunities and experiences

Parker's Arc currently has seven people renting apartments and receiving customized living services. Due to the small size of the program, the staff report that a monthly calendar is posted each month. However, the people who live there decide activities on a daily basis. The staff person responsible for the activities has worked at the setting for over 25 years. She reports this system works the best for the people who currently live in the setting.

Parker's Arc monthly calendar is developed based on the preferences of the people living in the customized living setting. Residents' preferences for community events are requested each month at Parker's Arc tenant meetings. Residents also may request personal community activities, and staff will accommodate as schedule and transportation permits. Residents also have the option to use the connected nursing facility activity calendar as additional options of activities to attend, as desired.

Some examples of community engagement activities facilitated by the setting that people living at Parker's Arc have attended include:

- Boat rides provided every Monday
- Ice fishing on the local lakes
- Going to deer camp during hunting season.

Examples of individualized community engagement activities include:

- Some people drive their motorized scooters uptown
- Some people drive their own vehicles and come and go independently
- Families are actively involved in bringing people to community and family events. Some people go on weekend visits or longer to stay with family or friends.

Examples of on-site activity options include:

- Dice games
- Uno games – people report this is their favorite activity
- Dominoes
- Baking activities
- Choosing and making meals, such as pizza.

Options for retail shopping are limited in Baudette. Staff report that people go to surrounding towns, such as Warroad, which is 45 miles away, and Bemidji, which is 100 miles away, for shopping in larger stores (e.g., Walmart).

People can get groceries through delivery by the local grocery store. Staff also will pick up any items requested, and family members deliver groceries to the setting as well. One person interviewed stated, "I just need to ask and they will get it for me."



Many people living at the setting also use online shopping. People shop online on their own, or staff are available to assist, as needed.

## HCBS characteristics

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.

HCBS Rule requirement	Compliance status (Please select)
<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's lease agreement is compliant with HCBS rule requirements. One person interviewed confirmed she is aware of and signed her lease agreement.</p>	Compliant
<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> <p>The setting's Key System policy states, "Each resident/tenant suite can be locked at the discretion of the resident/tenant for enhanced privacy and security. The resident/tenant will receive a key to his/her suite from the social worker at the time of admission to Parker's Arc."</p> <p>People interviewed on-site confirmed they have keys to the locks observed on their unit doors. See picture of unit door lock.</p>	Compliant



<p><b>The setting facilitates that a person, <i>who shares a bedroom, is with a roommate of their choice.</i></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’s ARC Resident Rights – Additional Rights policy states. “Residents of Parker’s ARC who share an apartment have the ability to choose a resident of their choice. Apartments, including bedrooms will not be shared unless tenants are in agreement with doing so.”</p> <p>People interviewed did not have roommates.</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> <div style="display: flex; align-items: center;">  <div style="margin: 0 20px;"> <p>The setting’s ARC Resident Rights – Additional Rights policy states, “Residents are also encouraged to decorate and furnish their apartment to meet their needs in accordance with the resident agreement requirements listed below.” Observed people’s apartments were decorated and furnished as they desired. One person stated, “It can’t get any better than this” when referring to his apartment.</p> </div>  </div>	<p>Compliant</p>
<p><b>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</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’s ARC Resident Rights – Additional Rights policy states, “Residents are allowed the freedom and support to determine their daily schedules, which includes access to food at any time.”</p>	<p>Compliant</p>



As shown in the following pictures, observations were made of coffee, snacks, stove and refrigerator in common area, stove and mini refrigerator in apartment.



Coffee in common area



Snacks in common area



Kitchen in common area



Shared refrigerator in common area



Stove/oven in apartment

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

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

The setting's Visiting Hours policy states, "All residents/tenants are free to have friends and family visit. Residents/tenants may receive visits from anyone they wish."



Pictured right is a guest bedroom/unit that is available for guests to stay overnight at the setting, as needed.



Compliant

**The setting provides opportunities for people to seek employment and work in competitive integrated settings.**

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

Compliant



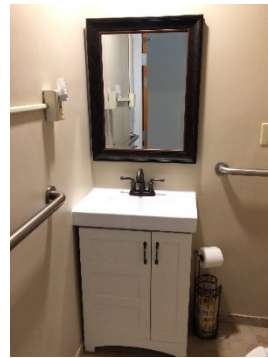
The setting's ARC Resident Rights – Additional Rights policy states, "Additional Rights of ARC residents: The opportunity to seek employment and work in competitive integrated settings." People interviewed did not desire to work or volunteer at this time. During on-site visit, computer with internet in common area was observed.

**The setting is physically accessible to the individual.**

Compliant

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

The setting's ARC Resident Rights – Additional Rights policy states, "Parker's ARC is accessible to ambulatory and non-ambulatory clients who have the ability to use a cane, crutches, or walker along with the use of a wheelchair as a form of locomotion."



Grab bars in unit bathroom



Parker's Arc has an elevator and stairs that residents may use to move about the building and to come and go as they please.

Grab bars and walk-in showers were observed in people's apartments. An accessible spa tub is also available on site.

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

Compliant

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

The setting's ARC Resident Rights – Additional Rights policy states, "Access to common areas to engage in community life." This setting did provide documentation of community activities listed on a monthly calendar. One person interviewed reported that she likes to cook her own breakfast and supper in her apartment. She also does her own



<p>laundry, and she walks to the Wellness Fitness Center on campus four times per week for exercise.</p>	
<p><b>The setting supports the person’s control of personal resources.</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’s ARC Resident Rights – Additional Rights policy states, “The right to personal control of resources including money.” People interviewed reported they have control of their finances.</p>	<p>Compliant</p>
<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>The setting’s Minnesota Home Care Bill of Rights policy states, “Statement of Rights, The right to have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information” and “The right to privacy and confidentiality including a lockable door.”</p> <p>Staff were observed knocking on apartment doors and asking permission to enter.</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>The setting’s Minnesota Home Care Bill of Rights policy states, “Statement of Rights, The right to be treated with courtesy and respect, and to have the client's property treated with respect.”</p> <p>A person interviewed stated, “I couldn’t have better care.”</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>The setting’s ARC Resident Rights – Additional Rights policy states, “The right to freedom from coercion and restraint.”</p> <p>People interviewed reported they come and go from 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

☒ Compliant documentation submitted with attestation

☒ Observation made during on-site visit



The setting's ARC Resident Rights – Additional Rights policy states, "The right to individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact."

A person interviewed stated, "I am completely my own boss." Pictured are art drawings done by a former resident (upper left), the open dining room

where people choose where to sit for meals and at any time (lower



right) and the laundry room (lower left).

People can choose to do their own laundry at any time, if desired.



# Pictures of the HCBS setting



Seating in common area



Seating in common area



Card table in activity area



Fitness equipment



Fitness equipment



Fitness equipment



Outdoor raised flowerbeds



Outdoor raised vegetable garden



Outdoor swing

## 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.**