

HCBS Final Rule Evidentiary Package

Senior Suites of New Brighton



Setting information

Setting name: Senior Suites of New Brighton	ID #: 30746
Street address: 805 6 th Ave NW New Brighton, MN 55112	Phone: 651-633-7200
Setting website, if applicable: Senior Suites of New Brighton (https://www.newbrightoncarecenter.com/seniorsuitesassistedliving)	Date of site visit: 10/10/2018

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 New Brighton Care Center

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

General summary

Senior Suites of New Brighton is located in the city of New Brighton, which is in Ramsey County and a suburb to the north of Minneapolis and St. Paul. New Brighton had a population of 21,456 in 2010.

Senior Suites of New Brighton provides customized living services to five units. At the time of the provider attestation, the setting served four people supported by a home and community-based waiver program.

Senior Suites is part of the New Brighton Care Center Campus. Senior Suites customized living is connected to the New Brighton Care Center, a nursing facility. The campus is owned and operated by North Cities Health Care Inc.

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#)

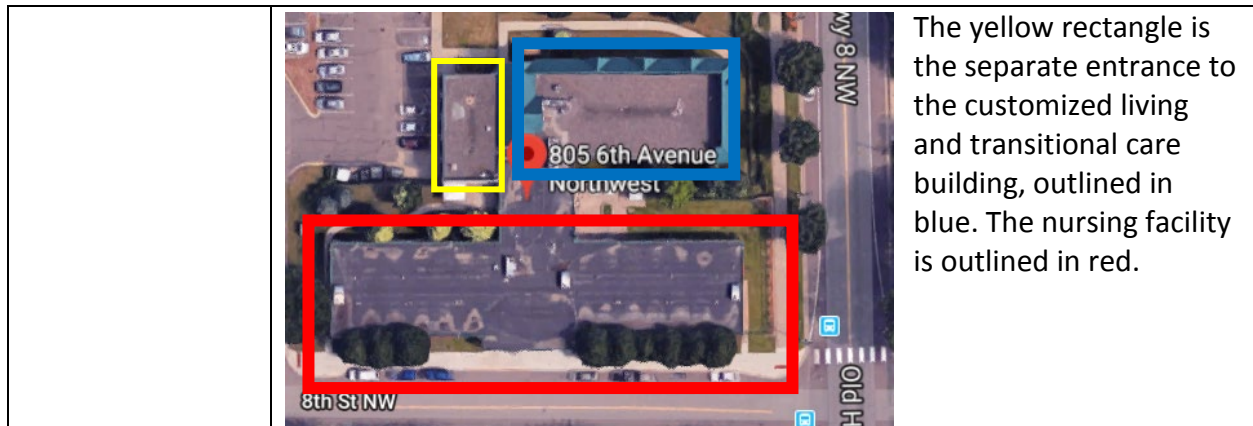
Prong 1 and Prong 2 settings

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	Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal. Senior Suites of New Brighton, the customized living setting, has a designated manager who oversees the housing and nursing services in the setting. This manager reports to the campus administrator. The setting is financially connected to nursing facility, but it manages
<input type="checkbox"/> Unmet	
<input type="checkbox"/> Not applicable	

	<p>decisions about financial matters at the customized living setting separately.</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 HCB settings regulations.)</p> <p>All staff that work in the customized living setting receive compliant HCBS rule training and other relevant training and orientation for the setting. Since the customized living setting has a total of five units, staff who work in the HCBS setting also work in the transitional care unit of the nursing facility during the same shifts. The transitional care unit is in a separate space, one floor above the customized living setting. The housing and nursing manager is devoted to the customized living setting at all times and available to people served in the setting.</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>People living in this customized living setting have several options for transportation to support community engagement and integration, including:</p> <ul style="list-style-type: none"> • Metro Mobility (regional transit provider) • Volunteer drivers • Rides from family and friends.
<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 that institutional services are provided.</p> <p>The customized living setting is separate from the nursing facility and the transitional care unit. The transitional care unit is in a separate space, one floor above the customized living setting. The nursing facility faces the city street and the customized living setting is on the ground floor on the opposite site of the property. The customized living setting has separate signage, entrances and nearby parking spots from the nursing facility and transitional care unit. People served in the setting and visitors come and go from a separate entrance than the nursing facility.</p>



Community engagement opportunities and experiences

The housing and nursing manager at the setting leads community engagement, but family and friends from the wider community also support community engagement. People served in the setting provide input through interest assessment forms, tenant meetings and direct communication with staff. People learn about activities offered in the setting through an activity calendar and through reminders from staff.

The setting supports regular activities in the community with the support of community transportation providers and the family and friends of people served in the setting. Activities include:

- Errands and medical appointments
- Restaurants
- Community events and festivals
- Family events
- Worship services and other faith community events
- Library outings.

Due to the small size of the customized living setting, many people served in the setting choose to participate in activities offered in the nursing facility so they can be part of a larger community of people. On-site, programmed activities include:

- Exercise programs
- Daily devotions
- Chapel services
- Arts and learning groups
- Musical offerings.

In the five-unit customized living setting, staff have offered social get-togethers, including coffee and treat times, birthday celebrations and take-out/dine-out meals nights. People

living in the setting also plan and participate in self-led activities, including playing cards and social get-togethers with other people living in the setting.

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>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 a lease agreement as documentation through the provider attestation process. A person living in the setting also confirmed she signed a lease agreement when choosing to live in the setting.</p>	Compliant
<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 unit doors in the setting. A person living in the setting confirmed she has a lock on her unit door, and her privacy is respected in the setting.</p>	Compliant
<p>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</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 living in this setting do not share rooms unless they share a room with a spouse, partner or other person of their choice. A person</p>	Compliant

<p>living in the setting initially shared her unit with her husband, but she does not share her unit at this time.</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>The lease allows people in the setting to decorate and personalize their living units. Living units were observed during the site visit and were decorated as people desired. A person living in the setting had her room arranged as she desired, and said she “could not imagine a better arrangement than she has right now.”</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>The housing and nursing manager confirmed during the on-site interview that people living in the setting can control their daily schedules in terms of waking, going to bed, eating and coming/going as they like. A person living in the setting said her preferences were always honored, and she rarely needed snacks between meals but keeps food in her unit. She also stated staff were very good about helping her access food between meal times, as needed.</p>	<p>Compliant</p>
<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>The housing and nursing manager confirmed visitors can visit people in the setting at any time. The doors lock during the nighttime, but staff can help visitors gain access at any hour through a buzzer system. A person living in the setting confirmed visitors can come and go as they like, and there are not any restrictions on visiting the setting.</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>Compliant</p>

<input checked="" type="checkbox"/> Observation made during on-site visit The housing and nursing manager confirmed the setting accommodates people’s preferences so they can keep the schedule and commitments they prefer. A person living in the setting no longer works and did not have a regular volunteer commitment. However, she felt the staff would certainly accommodate to her schedule, if needed.	
<p>The setting is physically accessible to the individual.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The common spaces and living units were observed to be accessible. Living units and bathrooms were observed to have many accessibility features. The housing and nursing manager confirmed they work with people living in the setting if they need a modification to their living units, as needed. A person living in the setting who was interviewed said that she is able to move about her unit and the building well.	Compliant
<p>The setting provides people opportunities to access and engage in community life.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit See the community engagement section. The staff is aware of transportation options in their area and work with people in the setting to arrange for rides, as needed. The setting also offers a varied activity calendar. A person living in the setting who was interviewed received transportation help from her church. One person living in the setting said she had received physical therapy on-site at the setting, but she continues to use a variety of health care professionals in the wider community as well.	Compliant
<p>The setting supports the person’s control of personal resources.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit The setting has a compliant policy related to assisting people in the setting with their personal resources. People living in the setting are properly informed of this right.	Compliant
<p>The setting ensures people’s right to privacy.</p>	Compliant

<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The setting has a compliant policy with respect to people’s privacy. A person living in the setting said staff members always respect her privacy.</p>	
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>During the site visit, staff were observed treating people living in the setting with respect. For example, the housing and nursing manager was very good about knocking and waiting for an answer and permission when seeking to enter a person’s living unit. A person living in the setting confirmed she was treated with dignity and respect.</p>	Compliant
<p>The setting ensures people’s freedom from coercion and restraint.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit <p>Staff members 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>	Compliant
<p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>A person living in the setting confirmed she felt she could make all of her own choices about her care and her daily activities.</p>	Compliant

Pictures of the HCBS setting



Dining area and large group activity space



Setting bulletin board and activity calendar



Lower level of building is assisted living. Upper level is nursing facility.



Community kitchen area with snacks and drinks

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.