

# HCBS Final Rule Evidentiary Package

## Roitenberg Assisted Living



### Setting information

Setting name: Roitenberg Assisted Living	ID # 21691
Street address: 3610 Philips Pkwy St. Louis Park, MN	Phone: 952-935-6311
Setting website, if applicable: <a href="http://www.sholom.com">Sholom</a> (www.sholom.com)	Date of site visit: 12/17/2018

## 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 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  Prong 3 Meaningful Distinction between collocated settings	Name of Institution	Sholom Home West, 3620 Phillips Parkway South, St Louis Park, MN, 55426

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

## General summary

Roitenberg Assisted Living is a customized living setting, delivering the customized living service that includes support and health services. The setting is located south of a residential area and west of a commercial area of St. Louis Park, MN, a first-ring suburb west of Minneapolis. The population of St. Louis Park was 45,252 in the 2010 Census.

Roitenberg Assisted Living serves 16 people on the EW and CADI waivers, and it serves 71 people overall. This setting is connected to the nursing home, Sholom Home West, via secure breezeways and is collocated with three other HCBS settings – Menorah West Apartments, Knollwood Apartments and AlterCare Adult Day Program. The total people served in the collocated settings are 55 people receiving HCBS and 246 people through other funding. Roitenberg Assisted Living tends to serve an older population than the other collocated and connected settings.

## 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>Roitenberg Assisted Living is operated separately from the nursing home (Sholom Home West) and colocated settings. Each setting is administratively separate, including separate administrative budgets, staff and activity planning. Each setting has separate staff training and orientation policies and procedures. Roitenberg Assisted Living utilizes its own space for food, activities and community gathering areas, and it has a separate activities calendar unique to its setting. Administrative staff from each colocated setting were interviewed at the same time during the on-site visit. It was apparent during interviews with administrative staff the colocated settings are administratively separate. During multiple points of the interview, administrative staff stated, "Oh! I did not know you did it that way," or "I may have to steal that idea, that's a great strategy."</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>HCBS staff are not scheduled to work in the nursing home, and nursing home staff do not work in HCBS settings. The submitted documentation is compliant with HCBS requirement training per DHS' Desk Audit Review process. The provider installed new keycard locks and security system throughout the building that provides increased security, improves service delivery accountability and ensures only appropriate staff are in HCBS settings.</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>There are multiple transportation options available for people who live at Knollwood apartments. There is the local public transition (i.e., Metro Transit) bus route (i.e., Route 17), a 12- or 16- passenger van and bus operated by Sholom (shared by all HCBS settings), local community transportation through Jewish Family and Children Services, Go-Go Account (provides hands-on assistance at destinations) and Metro Mobility. The van and bus have a typical route and schedule that can be augmented by people receiving services upon request. Staff will help people, when needed, to identify available transportation options. Roitenberg Assisted Living is located across the street from a commercial area with a Target, Big Lots, pharmacy, Dollar Tree, two banks and a few other shops. The Shoppes, a local mall, is located within three-quarters of a mile.</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>Roitenberg Assisted Living is physically separated from the nursing home (Sholom Home West) and collocated settings with its own space for food, activities and community gathering areas. The home and community-based setting entrance is separate from the facility, sharing a common wall via a secure breezeway with keycard locks between the buildings. Only staff who work in a HCBS settings have keycard access to HCBS settings. People living at any HCBS setting (i.e., Roitenberg Assisted Living, West Apartments, and Knollwood Apartments) have keycard access to all buildings for free movement.</p>

## Prong 3 settings

### Meaningful distinction between collocated settings

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>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings</b> (how often, what type of programming or activities are shared) and how the provider assures interests and preferences are supported at an individual level (people are engaged in planning community activities based on their preferences, variety of transportation options, schedules are varied, reverse integration is not the sole form of “community integration”):</p> <p>Roitenberg Assisted Living shares transportation with the other collocated community-based settings. The 12- or 16- passenger van and bus is operated by Sholom and has a typical route and schedule that can be changed when a person requests a different destination. Each collocated settings has its own activities calendar and process for assessing individualized interests and preferences. No other services or programming is shared between the collocated settings.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>Describe the extent to which staff are scheduled to work with people at the other collocated setting (s) on the same shift:</b></p> <p>HCBS staff are not scheduled to work in the other HCBS collocated community-based settings on the same shift. The submitted documentation is compliant with HCBS requirement training per DHS’ Desk Audit Review process. The provider installed new keycard locks and security system throughout the building ensuring only appropriate staff are in HCBS settings during their scheduled shifts.</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 other co-located setting (s), 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>For more information, see the Prong 1 and Prong 2 settings meaningful distinction between the facility and HCBS setting section on transportation.</p>

## Community engagement opportunities and experiences

Roitenberg Assisted Living Apartments develops monthly activities calendars based on people's preferences and interests. This calendar is shared with each resident and posted on every floor and elevator. A monthly bus schedule is shared that outlines the general times and places the Sholom van and bus will go.

Roitenberg Assisted Living has a monthly resident's council meeting. The resident council meetings are organized and facilitated by the residents. People are encouraged to attend the monthly resident's council. Roitenberg Assisted Living activities coordinator attends this meeting to implement recommendations from the residents. Outside of the formally scheduled activities, Roitenberg Assisted Living staff will help people find transportation, including staff providing one-to-one transportation as needed. People also will self-coordinate events without the formal involvement of staff. Separate activities and community events are organized for people living memory care.

Community activities shared during interviews with administrators, staff and people receiving services include:

- Sabbath services
- Visiting family and extended stays with family
- Holiday events
- Weekly restaurants
- Shopping trips
- Jewish community center.

Other activities include movie night, religious events and service, bingo, games, social hours, music, yoga, celebrating holidays and special events, crafting/jewelry-making, music, exercise, restaurants and day trips. Activity calendar and community events are posted in the elevators, near each person's mailbox and in the common area on the first floor. Sholom employs a full-time rabbi that is available to anyone receiving services or living in a Sholom building. The rabbi will meet with people of all faiths and actively is learning Russian, as many people served by Sholom speak Russian.

It was evident in observation and interviews with people, staff and the administrator that person-centered practices are at the forefront of service delivery by:

- Respecting and honoring the things each person thinks are important and encouraging informed choice and creativity
- Supporting activities are flexible and work around the person's preferred schedule (i.e., people are not following a "set schedule")
- Encouraging people to share ideas and make choices about setting activities based on their own personal preferences and interests

- Ensuring people have opportunities and supports they need to be fully included in their community, individually and in groups, as desired
- Assisting people with developing meaningful relationships with other members of the community.



## 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 type="checkbox"/> Observation made during on-site visit</p> <p>Each person has his/her own lease as required by Minn. Stat. 144D for people receiving customized living. The provider submitted documentation through the attestation demonstrating compliance.</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>	Compliant



<p>The provider submitted documentation through the attestation demonstrating compliance. Each person has his/her own key that unlocks both his/her apartment unit and main outside doors. During interviews with people receiving services, they reported ability to lock their own living units.</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 type="checkbox"/> Observation made during on-site visit</p> <p>Not applicable. People do not share bedrooms or living units unless they have chosen to live with a roommate. The service provider does not coordinate or arrange roommates.</p>	Compliant
<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 type="checkbox"/> Observation made during on-site visit</p> <p>People receiving services are able to freely decorate their own living quarters. During interviews with people receiving services, they reported the ability to decorate based on personal preferences.</p>	Compliant
<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>Each customized living apartment unit has a full kitchen, and people are able to store food and eat in their living units. Each floor has a common dining area where continental breakfast is served, and people</p>	Compliant



<p>have access to coffee and beverages throughout the day. The setting will accommodate a person’s support needs flexibly based on his/her schedule.</p>	
<p><b>The setting allows people to have visitors 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>Visitors freely come and go at any time. We observed people coming and going throughout the site visit. During our interviews with people receiving services, they reported the ability to have visitors at any time, including visiting family overnight. There are spaces for people receiving services to host large groups of visitors besides their own living units. There is a visitor log with multiple people coming and going.</p> 	<p>Compliant</p>
<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 type="checkbox"/> Observation made during on-site visit</p> <p>The provider offers a flexible schedule of activities, meals and cares to accommodate a person’s employment, volunteer or civic engagement. There currently are no people receiving services employed at Roitenberg Assisted Living. The majority of people living at Roitenberg Assisted Living are of retirement age.</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>People physically are able to access all areas of the setting, including community space and meal areas, and they can request reasonable accommodations to make modifications to their living units. There are multiple places to rest throughout the building when navigating the</p>	<p>Compliant</p>

<p>setting. The provider installed new keycard locks and security system throughout the building and on individual living units. This provides increased security, improves service delivery accountability and ensures people can access all common areas of the setting.</p>	
<p><b>The setting provides people opportunities to access and engage in community life.</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 provider submitted documentation through the attestation demonstrating compliance. As described in the community engagement section, people’s preferences, interests and strengths are incorporated when developing the monthly calendar, and each person may choose which activities to participate in or choose not to participate. In the front lobby, there are flyers of community events and resources.</p>	<p>Compliant</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>Not applicable. This provider setting does not provide money management duties</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>Staff are trained to be knowledgeable of people’s right to privacy, including knocking on doors and waiting for a response before entering an apartment. There are public spaces where private conversations can occur.</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 provider documented compliant training, orientation, policies and procedures for direct care staff and informing people receiving services of their right to be treated with dignity and respect. We observed staff</p>	<p>Compliant</p>

<p>practicing these requirements during their interaction with people living in the setting.</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 policies state that restraints or restraint devices are not used at the setting. The Vulnerable Adult policies are in place, and staff receive training on this topic.</p>	<p>Compliant</p>
<p><b>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</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>People living at Roitenberg Assisted Living are able to receive services flexibly to accommodate their preferred lifestyles and schedule needs. A person receiving services reported just coming back from coffee with friends, and “loved how accommodating” staff are at Roitenberg, and “I get to live a full life here.”</p> <p>There are multiple transportation options available. The provider will assist as needed to schedule or arrange transportation for people to attend their own events and activities. Staff will support people to identify individualized on- and off-site community activities.</p>	<p>Compliant</p>



# Pictures of the HCBS setting



## Public comment summary

The Minnesota Department of Human Services (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.

A total of one public comment was received for this setting.

The one comment shared general support of this settings compliance with the HCBS settings rule requirements.

The one comment shared support of this setting's compliance with the following HCBS setting rule requirements:

- The setting is physically accessible to the individual.
- The setting provides people opportunities to access and engage in community life.
- Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.

## 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.