

HCBS Final Rule Evidentiary Package

St. Mark's Living



Setting information

Setting name: St. Mark's Living	ID # 30839
Street address: 400 15th Ave. NW Austin, MN 55912	Phone: 507-434-7237
Setting website, if applicable: St. Mark's Living (http://stmarksliving.org)	Date of site visit: 8/28/2018

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 St. Mark's Living Care Center

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

General summary

St. Mark's is located in Austin, MN in a residential area. Austin is in a rural area in the south-central part of Minnesota. The last census in 2010 found its population to be 24,718. St. Mark's is a continuum of care campus offering independent living, customized living, memory care and skilled nursing care. It also offers respite and hospice care. It is managed by Ecumen. They have a total of 51 units, 25 of which offer customized living, and the additional 26 are used for people who need memory care supports. Currently 45 percent of the people living there are using a 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>).


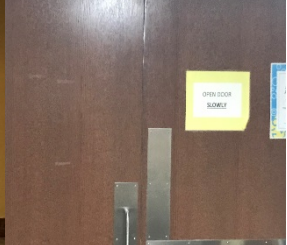
Minnesota's Community-Based Services Manual (CBSM) provides the following requirements for customized living services:

[CBSM page for customized living services](http://www.dhs.state.mn.us/id_001787#) (http://www.dhs.state.mn.us/id_001787#)

Prong 1 and Prong 2 settings

Meaningful distinction between the facility and HCBS setting

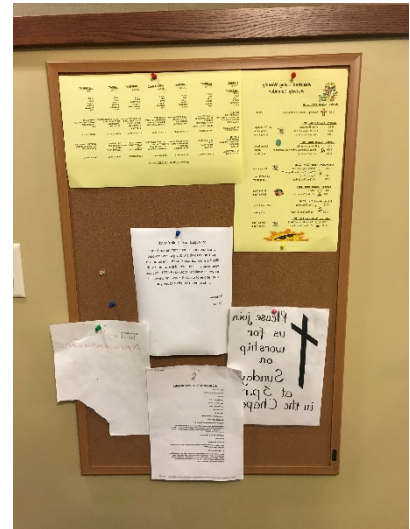
States must submit strong evidence that the setting presumed institutional has the characteristics of a HCBS setting and not an institutional setting.	
Determination	Summary
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>St. Mark’s is managed by Ecumen. It has one administrator who oversees the campus. The customized living setting and the nursing facility have separate directors of nursing who handle day-to-day operations. They have separate activities scheduled for the nursing facility and the customized living setting.</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>There are no staff who are regularly scheduled at both the customized living setting and the nursing facility. There are staff that are on call only, but they came from the customized living setting and were trained in the HCBS requirements.</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>Most of the people who live at this setting use the SMART van, which is a public transportation option within Austin. There is another option called AMV. There is a new provider also called Handi-Van. Some people still have their own cars and drive. The campus does have its own wheelchair-accessible van.</p>

<p><input checked="" type="checkbox"/>Met</p> <p><input type="checkbox"/>Unmet</p> <p><input type="checkbox"/>Not applicable</p>	<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 on one end of the building, and the memory care is on the other end, with the care center in the middle. There are doors that separate the care center from the customized living setting. The following photo with the open doors is the customized living setting looking into the care center. The other photo is the closed door leading from the care center into the memory care unit.</p> <div data-bbox="459 552 808 758"><ul style="list-style-type: none">↑ St. Mark's Heritage Community→ St. Mark's Transitions→ St. Mark's Memory Care→ Restrooms→ Therapy→ Business/Environmental Offices← Administrative Offices</div>  
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Community engagement opportunities and experiences

St. Mark's offers a wide range of opportunities for people to stay engaged with their communities and do activities. People are informed of these choices through monthly and weekly calendars posted on bulletin boards, as well given to them in their mailbox. The schedules and options are also announced during breakfast. Some examples of community activities are:

- Visit to the Veteran's Wall
- Pelican Breeze boat ride and meal
- Shopping
- Holiday light tour
- Casino trips
- Fall leaves drive
- Local fairs
- Going out to restaurants
- Visits to the local Legion
- Picnics at the lake.



People also experience the community on their own or with family and friends. They may go to a family gathering, go out to eat, attend birthday parties or family reunions or get haircuts and manicures. One person went to visit his wife's grave on his scooter daily. Some people like to go out and look at the construction going on.

The setting also hosts activities for the community, including:

- Easter egg hunts,
- Trick-or-treating on Halloween
- Bake sales the community participates in.

The setting also has musicians come in to sing, activities like crafts, exercise classes, social hours and games (e.g., bingo, card and dice games).

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>When interviewed, people indicated they knew they had a lease.</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>People were observed using their keys to enter their units. When interviewed about whether they feel their privacy is respected, one person answered, "oh yes." Another person said he prefers to keep his door open much of the time, but staff always knock anyway.</p>	<p>Compliant</p>
<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>One person interviewed did share a bedroom with his wife. Another person did not share a room.</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>Compliant</p>



Each person has an area outside his/her door to decorate as he/she wishes. Personal effects were also used to decorate their apartments.



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

A staff member interviewed said there is always food for people in the common dining area. She said one group of ladies comes frequently to make themselves root beer floats. A refrigerator was observed with snacks in it in the dining area. Assisted living units have kitchen areas with refrigerators and stoves, and the memory care area has food by request for anyone who does not have food storage in their rooms.



The setting allows people to have visitors at any time.

Compliant

Compliant documentation submitted with attestation

Observation made during on-site visit


People interviewed said they could have visitors at any time.

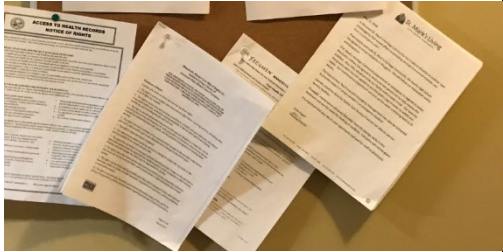
The setting provides opportunities for people to seek employment and work in competitive integrated settings.

Compliant

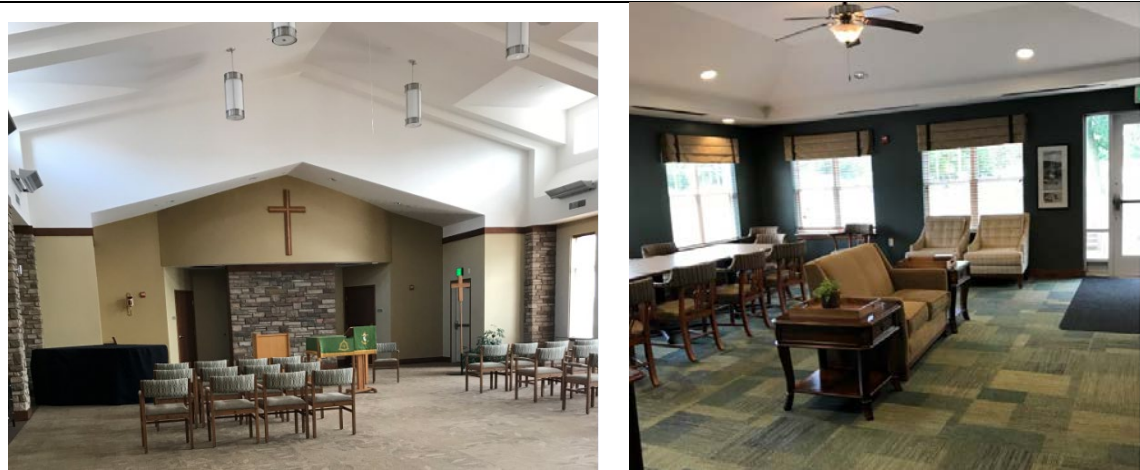
Compliant documentation submitted with attestation

<input checked="" type="checkbox"/> Observation made during on-site visit There are no people currently employed at this time. However, if that happens in the future, the setting will be flexible to accommodate that.	
<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	Compliant
<div data-bbox="203 541 537 787" data-label="Image"> </div> <p>People interviewed said they feel their place is accessible, as is the rest of the building. Bathrooms were accessible. No barriers to accessibility were observed.</p>	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	Compliant
<p>There are many on-site services (e.g., podiatry, services for eye and hearing health, occupational and physical therapy, dental and medical on-site visits). Some of these services are through Aegis, and some are providers coming to the site. People are told of their options at move-in and when a need for a service comes up. When interviewed, one person preferred to see their own doctor, while one appreciated the on-site services.</p>	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	Compliant
<p>This site does not provide money management.</p>	Compliant
<p>The setting ensures people’s right to privacy.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant
<p>Staff were observed knocking before entering an apartment.</p>	Compliant
<p>The setting ensures people’s dignity and respect.</p>	Compliant

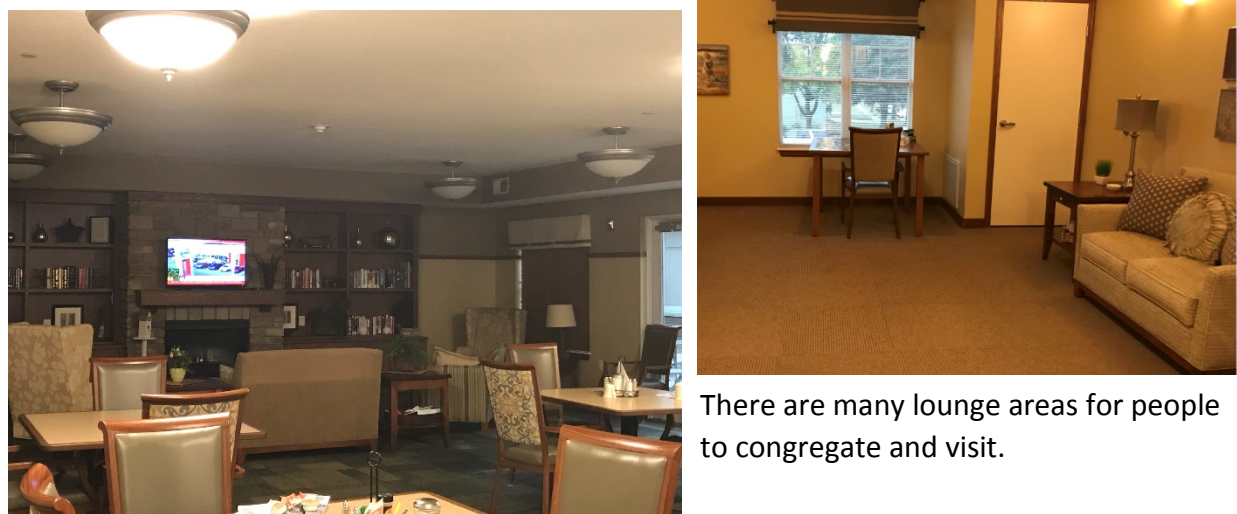
<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit <p>The setting provides people with the Home Care Bill of Rights, which states, “The right to be treated with courtesy and respect, and to have the client’s property treated with respect.”</p>	
<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>Setting policy enforces the Vulnerable Adult Act and Maltreatment of Minors Act. Policies, including the Bill of Rights, which is posted on site.</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>People interviewed indicated they control their own schedules. One person appreciated the laundry facilities in the apartment so staff could help when needed. Another person said she likes to get up at 4 a.m., and the staff accommodate her early rising.</p>	Compliant



Pictures of the HCBS setting



Chapel and a room people can reserve for events



A common/library area

There are many lounge areas for people to congregate and visit.

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.