

# HCBS Final Rule Evidentiary Package

## Villages of St. Clare Assisted Living



### Setting information

Setting name: Villages of St. Clare Assisted Living	ID # 20246
Street address: 110 North 7th Street Mora, MN 55051	Phone: 320-679-1411
Setting website, if applicable: N/A	Date of site visit: 7/16/2018

## 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 Skilled Nursing at St. Clare Living Community of Mora

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

## General summary

Villages of St. Clare Assisted Living is located in the city of Mora in Kanabec County, about 70 miles north of Minneapolis, Minnesota. Mora had a population of 3,470 people in 2017.

Villages of St. Clare is a part of a continuum of care campus called St. Clare Living Community of Mora, which includes a nursing facility and therapy services. According to the provider's attestation, the customized living setting serves 39 people, including 13 supported by public HCBS waiver programs.

The continuum of care campus is owned and operated by the Benedictine Health System, a not-for-profit organization based in Duluth, Minnesota.

## 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>Villages of St. Clare Assisted Living, the customized living setting, has its own management team, including a manager to oversee housing services and a manager to oversee nursing services. The managers in the customized living setting report to an overall administrator of the campus, but they run the day-to-day operations of the setting separately.</p> <p>The customized living setting is connected financially to the wider campus, but the setting also manages some of its financial decision-making at the program level.</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>The setting does not share any direct care staff with the nursing facility. The customized living setting also employs activity coordinators devoted to community life in the setting.</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>The customized living setting does have a van to assist people in the setting with transportation, but the people in the setting also have several other options, including their own vehicles, family and friends,</p>

volunteer drivers from the wider community, county transit and local taxi services.

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

Villages of St. Clare Assisted Living, the customized living setting, is very separate from the nursing facility on the campus. It is on the same city block but faces the opposite direction of the nursing facility, and the main entrances for each building face a different city street. The customized living setting is of a very different building style and has its own main entrance, signage and parking area. The setting is connected by a hallway to the nursing facility.

The image below shows the setting circled in gold. The setting faces a different street than the rest of the campus and has its own driveway, parking area and entrance. A small hallway connects the setting to the rest of the care campus pictured below the circled setting.

- Met
- Unmet
- Not applicable



## Community engagement opportunities and experiences

Villages of St. Clare Assisted Living plans and oversees its own community engagement opportunities separate from the adjacent nursing facility. These offerings are supported by the customized living setting's managers and activity staff.

People served in the setting provide input on community engagement opportunities through interest assessment forms at admission, monthly tenant meetings, a feedback box and direct communication with staff. People in the setting learn about opportunities through an activity calendar, daily white board messages and staff announcements and reminders.

Community engagement opportunities in the wider community include:

- Weekly trips to grocery stores
- Regular trips to area restaurants and shopping centers
- Seasonal site-seeing
- Trips to area wineries
- Community dances
- Trips to movie theaters
- Town festivals and community events.

Many people living in the setting also make trips into the community on their own or with the support of family and friends or community transportation providers. These outings include:

- Running errands
- Faith community events
- Family get-togethers.

The customized living setting also offers a wide array of activities on-site, including wellness programs, coffee times and happy hours, music-making and arts and crafts, book groups, special celebrations, parties and a variety of games.

## HCBS characteristics

<p><b>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.</b></p>	
<p><b>HCBS Rule requirement</b></p>	<p><b>Compliance status (Please select)</b></p>
<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>A compliant lease agreement was submitted with the provider attestation. A person interviewed in the setting confirmed she is living in the setting under a lease agreement that was provided to her.</p>	<p>Compliant</p>
<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>Locks were observed on living unit doors in the setting. A person interviewed in the setting said she rarely locks her door, by her choice, but she appreciates having the option.</p>	<p>Compliant</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>People living in this setting only share a living unit if they desire. People who share a unit generally share it with a spouse or partner. A person interviewed in the setting shares her living unit with her husband.</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>Compliant</p>

<input checked="" type="checkbox"/> Observation made during on-site visit <p>It was observed that living units were decorated as people desired, including unit entry ways and porches. A person interviewed in the setting had her living space decorated in a very personal way.</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> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The manager interviewed during the site visit confirmed the setting works with the people they serve to accommodate their personal schedules and preferences. A direct care staff also gave an example of how she had accommodated a person’s weekly volunteer commitment.</p> <p>The community dining space in the setting was observed to have food and drink options available between meals. A person interviewed in the setting confirmed staff accommodate her scheduling preferences. She also had a full kitchen in her living unit and described how she prepared food and snacks as she desires.</p>	Compliant
<p><b>The setting allows people to have visitors at any time.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The setting allows visitors at any time according to the preferences of the people living in the setting. A person interviewed in the setting confirmed she and her guests can come and go as they please, at any time of day.</p>	Compliant
<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>Staff were not aware of people living in the setting who were still employed. One direct care staff gave an example of a person who volunteers weekly and how she had accommodated the person’s schedule.</p>	Compliant



<p><b>The setting is physically accessible to the individual.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>The building was observed to be accessible. A person interviewed said she finds it easy to move about her living unit and the common spaces. The public restroom near the dining area had grab bars, roll-under sinks and emergency pull-chords.</p>	<p>Compliant</p>
<p><b>The setting provides people opportunities to access and engage in community life.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>See the community engagement section. Attestation documents and the site visit showed the setting supports a number of community engagement opportunities for people in the setting, offered on site and in the wider community. A person interviewed in the setting stated she gets into the wider community as often as she likes on her own, with friends and sometimes with others living in the setting.</p> <p>A person interviewed in the setting was aware of medical services provided on site in her setting, but she chooses care providers from the wider community.</p>	<p>Compliant</p>
<p><b>The setting supports the person’s control of personal resources.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>The setting’s attestation is compliant on this right. A person interviewed in the setting explained she and her husband manage all of their own personal resources.</p>	<p>Compliant</p>
<p><b>The setting ensures people’s right to privacy.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>A person interviewed in the setting said her privacy is respected by staff and others living in the setting. One of the managers in the setting brought me to the living unit of a person living in the setting. When we got to the unit, she knocked and waited to be invited in.</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>During the site visit, staff were observed treating people with dignity and respect. The campus administrator spoke with a handful of people in the setting during our tour and spoke respectfully to people living in the setting. A person interviewed in the setting said she “always receives such good 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 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><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>The housing manager described the setting as very similar to a standard apartment building where people living in the setting decide how they would like to lead their own lives. An interview with a person served in the setting confirmed this description. She said her unit is her home, and she lives her day-to-day life as she would like.</p>	<p>Compliant</p>

## Pictures of the HCBS setting



Community activity bulletin board



Standard living unit kitchen



Common space in the setting



Elementary school and park space across street offers community engagement options

## 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.