

HCBS Final Rule Evidentiary Package

Baker Park, Inc.



Setting information

Setting Name: Baker Park Housing	ID # 501
Street Address: 803 Dewey Avenue, Bemidji MN 56601	Phone: 218-751-7249
Setting website, if applicable: Baker Park Housing (https://www.sanfordhealth.org/locations/sanford-health-baker-park-housing)	Date of site visit: 6/25/2018

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	Name of Institution	Name of Institutions Public: Community Behavior Health Hospital Bemidji Private: Sanford Health Senior Behavioral Health

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

General summary

Located in Bemidji, MN, Baker Park Housing, Inc. is a 49 apartment, registered housing with services facility. Baker Park Housing, Inc. has a contractual agreement with Sanford Health Neilson Place home care agency, to provide Customized Living services to residents that request and need the service. Currently, customized living services are provided to tenants living in 15 of the 49 apartments. Eight people are receiving waiver funded Customized living in this setting.

The setting is located in a commercial part of the rural town of Bemidji, MN which has a population of 14,942. Baker Park Housing, Inc. is one of four businesses renting space in re-purposed sections of the State Community Behavioral Health Hospital building. The building is a three floor building. Baker Park Housing, Inc. utilizes a section of three floors of the building. The other businesses operating in the building include a privately-owned Sanford Health Senior Behavioral Health hospital, State-owned Community Behavioral Health Hospital, and a Family Advocacy Center of 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 task (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting enrollees with arranging meetings and appointments, assisting with money management, assisting participants 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/lfservlet/Public/DHS-6790H-ENG>

Minnesota's Community Based Services Manual (CBSM) provides the following requirements for customized living services: [CBSM — Customized Living](#).

http://www.dhs.state.mn.us/main/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>Baker Park, Inc., the State CBHH-Bemidji and the Sanford Health Senior Behavioral Health hospital are each independent entities that do not share administrative or financial connectedness. Baker Park Housing, Inc. is contracted with Sanford Health Neilson Place, home care agency, to provide customized living services in the building.</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>Staff from the two hospitals in the attached building do not work for or cover for Baker Park Housing, Inc. or Sanford Health Neilson Place customized living staff.</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>Baker Park Housing, Inc. does not share or utilize transportation owned by the other businesses in located in the building. Baker Park Housing, Inc. utilizes community resources for transportation needs. Examples of transportation options utilized by the setting include, Paul Bunyan city bus, Big D transportation, city taxi services, community volunteer drivers, Medivan and families also provide transportation.</p>

- Met
- Unmet
- Not applicable

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



The building is owned by the state, which operates a Community Behavioral Health Hospital in the building. The state rents out space in the building to Baker Park Housing, Inc., and to Sanford Health, which operates its Senior Behavioral Health Hospital. Baker Park Housing, Inc. is located in a designated, separate space in the building. Baker Park Housing has its own signage, entrances and parking lot. One sign in the front of the building list the separate business located on the property.



Community engagement opportunities and experiences

Baker Park, Inc. building is a community building. Most of the people renting apartments at the setting do not receive HCBS services. Regardless of pay source or HCBS service status, Baker Park makes available to each tenant a monthly calendar of activities and events. All activities/events are open to all tenants. Baker Park maintains an active Tenant Council which provides suggestions for meaningful activities.



Setting policy states, “Baker Park will strive to provide tenant activities during the day and evenings along with weekend events in order to accommodate tenants’ schedules.” “Tenants have the right to make independent choices to participate or not participate in activities/events.” Monthly calendar was observed at on-site visit.

Additionally, people are encouraged to partake in community events outside of Baker Park. Community events are listed in the local newspaper which people can subscribe to. Community organizations are allowed to post upcoming events on the Baker Park bulletin board.

Baker Park is located in a lakeside setting within a short distance to the downtown area with shopping, library, transportation, recreational facilities and many churches nearby. It has easy bus access to the hospital, medical clinics and shopping mall.

The building is located on Lake Bemidji and the lake is within walking distance from the facility. There is also a city park located adjacent to the setting’s parking lot. The park is utilized for many public and private funded activities.



Examples of outdoor activities available to all people living at Baker Park Housing, Inc., include:

- Scooter Club
- Music concerts in the park
- Bike paths
- Art vendors and classes
- Adult day programs
- Foster grandparent program.

Two people receiving waiver funded services were interviewed during onsite visit. They reported that they are aware of the bulletin board and also hear about many community activities from their friends and neighbors. One reported that she prefers to not attend many Baker Park, Inc. sponsored activities, and prefers to call a driver and go shopping on her own or to individual events. The other person interviewed reported that she utilizes the Senior Companion service. Her Senior Companion will pick her up one time a week and they go out into the community and attend events or go shopping.

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>	
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>Setting's lease is compliant with providing protections to address eviction processes and appeals.</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>Setting policy states, "Each apartment at Baker Park is equipped with a dead bolt lock. To ensure a high level of security and privacy apartment locks are changed each time a tenant vacates an apartment."</p> <p>Picture is of the lock observed on each apartment door.</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>Setting reports that apartments are single bedroom apartments only.</p>	Compliant

<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>Setting policy states, “Baker Park recognizes a tenant’s right to furnish and decorate their apartment as desired. Baker Park encourages tenants to display personal items based on their preferences and interest.”</p> <p>Apartments observed at on-site visit were decorated with each individual’s belongings and furniture.</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>Setting policy states, “Tenants are encouraged and supported to control their own schedules and activities. Tenants have the right to have radios and television in their apartments. Each apartment is equipped with a full kitchen, tenants have the right to store food, cook and eat whenever they choose.</p> <p>Baker Park serves two meals each day, tenants are allowed to request their meal be saved for pickup.”</p> <p>Persons receiving services were interviewed at on-site visit and confirmed that they are in control of their daily schedules.</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>Setting policy states, “Baker Park allows tenants to have visitors in their apartment at any time including overnight guests. Additionally there are many lounge type areas located within the building which tenants may use to entertain their guests.”</p> <p>People from the community were observed coming and going from the setting during the onsite visit.</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><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Setting policy states, “Baker Park recognizes a tenant’s right to seek employment. Tenants choosing to work will be supported in their choice by being allowed to meet with management staff at mutually convenient times, have meals saved for them which can be picked up at the tenants and dietary staff mutually convenient times.”</p>  <p>On-site interview with administration, reported that some of the people that live in the setting participate in the Foster Grandparent program at the local school.</p> <p>A public computer is also available to all person’s that live in the setting. The computer can be used to search for jobs or volunteer opportunities.</p>	<p>Compliant</p>

<p>The setting is physically accessible to the individual.</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>Setting policy states, “Baker Park is a barrier free building. The Baker Park common areas are open for use to any tenant.</p> <p>Any tenant wishing to request a reasonable accommodation in order to enable a tenant with a disability to have an equal opportunity to use and enjoy the unit and the common areas of a dwelling, or to participate in or have access to other activities conducted or sponsored by Baker Park are encouraged to contact Baker Park management with their request. “</p>	<p>Compliant</p>
<p>The setting provides people opportunities to access and engage in community life.</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>Setting policy states, “Each tenant is provided with a badge to enter the building and are allowed to come and go as they wish.”</p> <p>People interviewed reported they go out into the community independently as often as desired.</p>	<p>Compliant</p>

<p>The setting supports the person’s control of personal resources.</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>Setting reports that it does not provide money management services.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</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>Setting policy states, “Staff is trained on tenant’s right to privacy and to knock or request to enter your apartment and receive permission prior to entering.”</p>	<p>Compliant</p>
<p>The setting ensures people’s dignity and respect.</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>Direct care staff and people receiving services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint.</p> <p>Observed staff interacting with people with dignity and respect, using the person’s preferred name and responding to requested preferences.</p>	<p>Compliant</p>
<p>The setting ensures people’s freedom from coercion and restraint.</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>Direct care staff and people receiving services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint.</p>	<p>Compliant</p>

<p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</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>Setting policy states, “Baker Park encourages and support tenants right to:</p> <ul style="list-style-type: none">• Choose their own friends,• Choose and attend activities and events they are interested in• Choose services they wish to have including changes to current services, transitioning to other services or requesting a change of staff. <p>Baker Park will:</p> <ul style="list-style-type: none">• Work with a tenant’s schedule to help prioritize and provide access to services and activities that meet their needs.• Allow and support tenants to make choices which include a balance between being self-sufficient and safe.”	Compliant
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Pictures of the HCBS setting



Common sitting area



Dining room where people choose seating



Beauty/Barber salon



Activity room and fitness equipment



Laundry room



Activity room



Flower garden



Courtyard seating area



City Park adjacent to the setting

Public comment summary

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.

A total of 22 public comments were received for this setting.

- **There was 1 comment in general support of this settings compliance with the HCBS settings rule requirements**
- **There were 17 signed letters from Baker Park tenants that shared the following comments in support of this setting's compliance:**
 - I have my own apartment and do not have to share my apartment with anyone. It has a lockable door, full kitchen and bathroom. I am able to furnish and decorate my apartment how I see fit.
 - Two meals/day are available to me and I have the ability to purchase groceries for my apartment during meal times. I am also able to go on weekly shopping trips to a local grocery store to purchase food to prepare in my apartment kitchen. I may also ask the kitchen to hold a meal for me if I am unable to attend the scheduled meal
 - There are no restrictions on my ability to come and go and can do so whenever I choose. I may also have visitors of my choosing visit at any time.
 - The apartment building is accessible and I am aware that I can request reasonable accommodations should I need them for my own well-being.
 - I am aware that I have the right to work or seek volunteer opportunities of my choosing as well as participate in facility or community sponsored activities. A monthly activity calendar is made available to me and there is a bulletin board where I can view what community events are going on
 - I am aware that Baker Park offers services that I may choose to purchase or access through my insurance and know that the housing manager is a resource should I need help arranging or accessing resources of my choosing

- Thank you for the opportunity for me to provide my comments regarding Baker Park (my home), as I believe they meet the HCBS regulations.

There were 4 comments that were unrelated to the HCBS settings rule

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.