

HCBS Final Rule Evidentiary Package

Clara City Assisted Living



Setting information

Setting name: Clara City Assisted Living	ID#: 31473
Street address: 200 East Wachtler Ave, Clara City, MN 56222	Phone: 320-847-2221
Setting website: not applicable	Date of site visit: 8/30/2018

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 Clara City Care Center

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

General summary

Clara City Assisted Living is located in Clara City, in Chippewa County, about 110 miles west of Minneapolis. Clara City had a population of 1,360 in 2010.

At the time of the provider attestation, Clara City Assisted Living provided customized living services to 18 individuals. At that time, the setting served 2 people supported by a home and community based waiver program.

The customized living setting is a part of a continuum of care campus, which includes a skilled nursing facility and therapy services. The campus is owned and operated by the city of Clara City.

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/lfserver/Public/DHS-6790H-ENG>)

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

[CBSM page on Customized Living](#)

(http://www.dhs.state.mn.us/main/id_001787#)

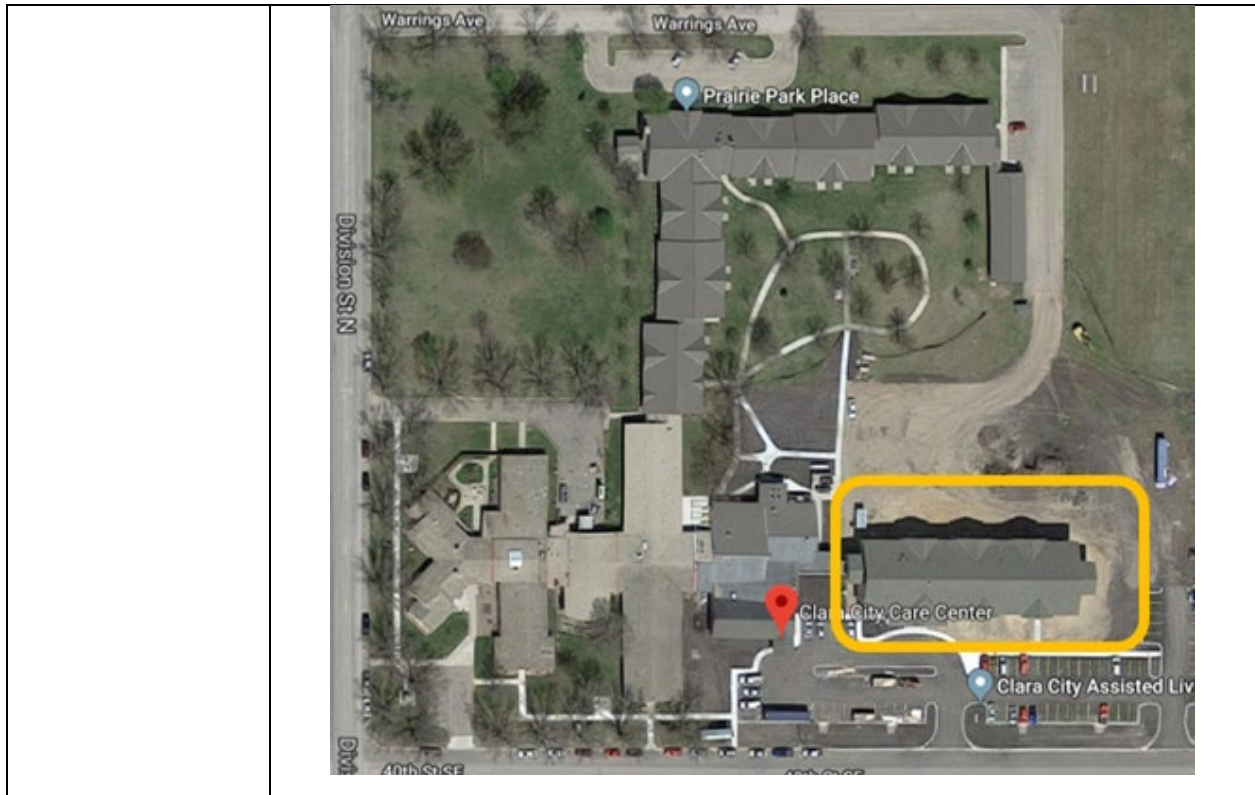
Prong 1 and Prong 2 settings

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>Clara City Assisted Living, the customized living setting, has management staff who oversee housing and nursing services in the setting. These staff report to the administrator of the campus. The setting is financially connected to the entire campus, but it manages decisions about financial matters at the setting level as well.</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 HCBS settings rule training and other relevant training and orientation for the setting. Nursing facility staff occasionally work a shift in the setting, but everyone who works in the setting is fully trained on 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>People living in this customized living setting have several options for transportation to support community engagement and inclusion, including: a setting van; Prairie Five, the county public transit provider; rides from family and friends; and peoples’ own vehicles.</p>
<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. The setting has a very different style of construction, has its own signage, entrance, and parking lot. People served in the setting and visitors come and go from a separate entrance than the nursing facility. The setting is connected to the nursing facility and therapy services by a hallway.</p> <p>The image below shows the setting outlined in gold. The nursing facility on the care campus is pictured to the left of the setting.</p>



Community engagement opportunities and experiences

Community engagement is overseen by staff devoted to the setting. People served in the setting provide input through interest assessment forms and direct communication with staff. People learn about activities offered in the setting through an activity calendar, a white board with a listing of the daily offerings, and through announcements and reminders from staff.

The setting supports regular outings in the community with the support of their van, volunteers, and the family and friends of people served in the setting. Activities include the following:

- Trips to area stores
- Restaurants
- Community events and festivals
- Boating and fishing outings
- Worship services, funerals, and other faith community events

The setting also offers a few events per year that draw larger numbers of people from the wider community, including an annual family picnic day, holiday parties, and card playing nights.

On-site, programmed activities include: daily wellness sessions, gardening, baking, themed parties, movie and pizza nights, music and art making, social gatherings, and various faith-based offerings. People living in the setting also plan and participate in self-led activities.

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
<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 who was interviewed confirmed that he and his wife signed a lease agreement in 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 who was interviewed confirmed that he and his wife have a lock on their unit door. He said their privacy as a couple has always been respected in the setting. He said that staff always knock before entering their unit; and they never enter unless they are welcomed to.</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 living in the setting shares his unit with his wife.</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>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.</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>A person living in the setting who was interviewed said that the staff are very accommodating and that they have regularly adjusted the service schedule to accommodate to their preferences. He and his wife take all of their meals in the dining hall, but they keep some food and drink on hand in their unit. Also, the staff have occasionally delivered their meals to their room, which they have appreciated as an option.</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>A person living in the setting who was interviewed confirmed that visitors can come and go as they like, and that there are not any restrictions on visiting the setting. At the time of the site visit, the person’s granddaughter was actually visiting. She said that her grandparents have really enjoyed the setting, and that they have had a few nice family gatherings in 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><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person living in the setting who was interviewed no longer works. He was a long-time farmer, but was also very active in local politics. He said that being in town at the setting has allowed him to stay engaged and informed with local community issues. He thinks that remaining on his farm would have been more isolating for him and his wife.</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>The common spaces and living units were observed to be accessible. Living units and bathrooms were observed to have accessibility features. A person living in the setting said that he and his wife have appreciated the wider doorways, accessible bathrooms, and the building elevators, which are great improvement over the home they had lived before moving to the setting. The setting supports a reasonable accommodations process, as needed.</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>The setting offers a varied activity calendar of on-site and off-site offerings. A person living in the setting who was interviewed said he has really enjoyed a storytelling group and art-making sessions. He said he also gets out into the wider community as often as he likes. He no longer drives, but he has used public transit and rides from family and friends to get around.</p> <p>A person interviewed said that he has used medical services onsite but also in the wider community. He has been very satisfied with his medical care in the setting and in the community.</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>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. One person interviewed in the setting explained that he manages all of his own personal finances.</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>The setting has a compliant policy with respect to peoples’ privacy. A person living in the setting who was interviewed said that her privacy</p>	<p>Compliant</p>

<p>was always respected by staff. He mentioned that he was apprehensive about whether he and his wife would have the privacy they desire as a married couple, for their intimate relations. He said that he feels his living unit is very private and that staff respect that it is their space, their home.</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>During the site visit, staff were observed treating people living in the setting with respect, and addressing people in the setting by name. A person living in the setting who was interviewed confirmed that he was treated with dignity and respect. He said the staff are simply amazing.</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 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>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>A person living in the setting who was interviewed confirmed that he felt he could make all of his own choices about his daily activities. He said that he had been quite apprehensive about moving from his farm to the setting, but that he now has no regrets. He loves it there. If anything, he wishes he and his wife would have made the move earlier.</p>	<p>Compliant</p>

Pictures of the HCBS setting



The setting's accessible van



Common kitchen and dining area with food and drink available throughout the day



Computer available to people in the setting, in a common area



Accessible features in living units

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.