

HCBS Final Rule Evidentiary Package

Colonial Terrace



Setting information

Setting name: Colonial Terrace	ID #29643
Street address: 406 Highway 71 E, Clarissa, MN 56440	Phone: 218-756-3636
Setting website, if applicable: Colonial Terrace (http://clarissacarecenter.org/assistedliving/)	Date of site visit: 7/31/2018

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 Central Todd County Care Center

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

General summary

Colonial Terrace is located in Clarissa, a rural city in Todd County, Minnesota. Clarissa is located approximately 25 miles south of Wadena, Minnesota. The population was estimated at 653 per census data in 2017. Colonial Terrace is located in a residential and commercial neighborhood, on the main highway through the city. It is approximately a five minute drive to the main business district.

Colonial Terrace is a customized living setting with 12 apartment units. At the time of the site visit, the setting served three people supported by a home and community based waiver program and nine people supported by other funding sources.

The customized living setting is located on a campus that includes Central Todd County Care Center, a skilled nursing facility. The care center is a private, non-profit corporation that provides skilled nursing and inpatient and outpatient services.

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:

[Community Based Services Manual customized living service requirements page](#)

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

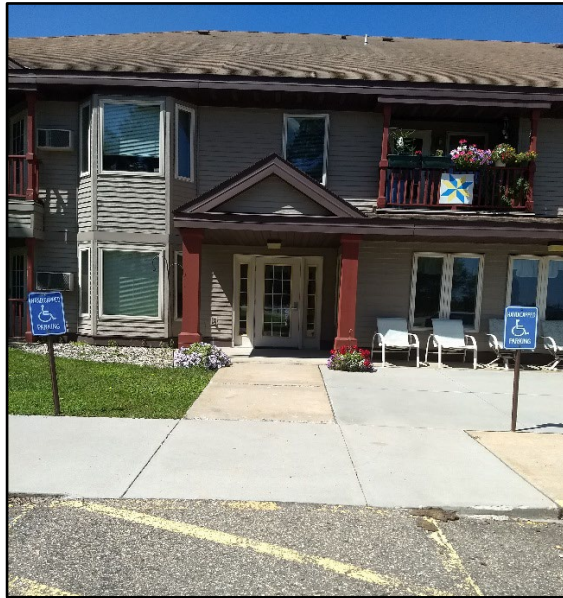
Prong 1 and Prong 2 settings

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>The Administrator is responsible for each of the businesses, and each setting has a separate budget. The customized living setting has a designated Registered Nurse (RN). The customized living setting also has a dedicated home health aide that provides services to the residents. Medication setups are done by the dedicated RN. RN and Home Health Aide services are provided by dedicated customized living staff, and Care Center staff help with maintenance, activities and food service.</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.</p> <p>Administration reported that all staff that work in the customized living setting are trained specifically for home and community-based support in a manner consistent with the HCBS settings regulations. Administration confirmed that nursing facility staff are not scheduled to work with people at the customized living setting on the same shift.</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.</p> <p>Colonial Terrace is located in a rural area with limited public transportation. Private regional transportation services, such as Peoples Express, Friendly Rider, and Handy Express are utilized for routine or medical appointments in the surrounding area. People at the setting also use community volunteer drivers, family transports, and their own vehicles for transportation needs.</p>

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

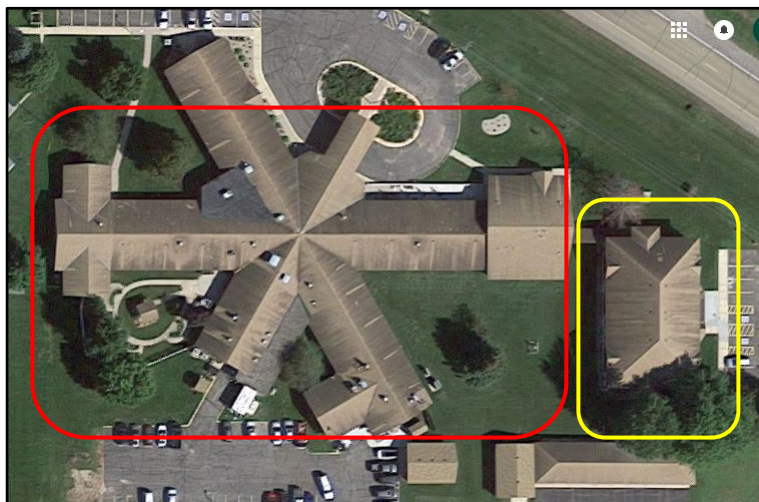


Colonial Terrace front entrance and parking area

- Met
- Unmet
- Not applicable

Colonial Terrace provides services in a space that is distinct from the space used by the nursing facility. Customized Living services are provided in a separate wing of the larger complex, connected via an indoor walkway. The setting has separate signage and a separate entrance from the nursing facility.

In the picture below, Colonial Terrace is circled in yellow. It is connected to the nursing facility, circled in red, by a walkway.



Central Todd County Care Center Campus

Community engagement opportunities and experiences

Community engagement is formally supported by setting staff through setting activities and also more informally by family and friends from the greater community. The staff interviews residents to obtain their personal preferences, and supports the residents' choice in choosing their activities and schedules. Activities are tailored with feedback from people who live at the setting, through resident meetings, discussions with people, and by obtaining resident preferences during admission and at regular health assessments. Administration staff reported that a formal customized living resident council meets on a monthly basis, and that they incorporate suggestions from council representatives when planning residents' preferred activities.



Calendar of community events and activities

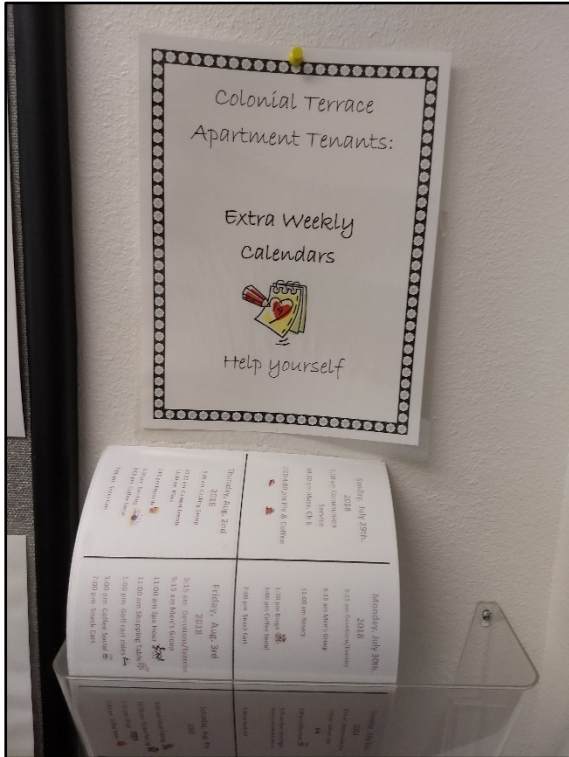
People are notified of community activities through a calendar of community events, flyers, and staff reminders. These may include:

- Golf cart rides in the community
- Senior center outings
- Picnics
- Clarissa Days festival
- Restaurants
- Shopping trips.

People living at the setting also have the option to go out on their own, with family and friends, and by using regional private transit and volunteer drivers.

These trips include:

- Family events
- Fishing trips
- Sightseeing
- Church services and events
- General errands and shopping
- Community holiday events



Weekly activity calendars

The setting provides an activity calendar for people to participate in at the setting and in the nursing facility, if they choose. People are also informed of on-site activities through the weekly activity calendar, bulletin board announcements, and staff announcements and reminders. Examples of on-site activities include live music entertainment, games, social hours, men's group, women's group and faith activities. Central Todd County Care Center hosts an annual memorial run/walk event that ends at the campus that residents may participate in or volunteer to support community participants.

People living at the setting have the option to choose not to participate at any time. Per staff and residents, they are offered alternative times or activities or are free to participate in activities of their choosing.

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 type="checkbox"/> Observation made during on-site visit</p> <p>The setting provided a HCBS compliant lease agreement as documentation through the provider attestation process.</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>Locks were observed on all unit doors in the setting. Residents stated that they use the locks when they go out of the setting.</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>Staff reported that people in the setting do not share rooms unless they share with a spouse, partner, or other person of their choice.</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>



Entrance to living unit with personalized decoration and lockable door

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 according to the person's taste and preference, including family pictures, religious icons, crafts and hobby items, and window and wall treatments. Many people also put up personalized decorations in the entrance to their living units.

The setting provides people the freedom and support to control their daily schedules including access to food at any time.

Compliant documentation submitted with attestation

Observation made during on-site visit

Staff and people interviewed confirmed that people living at the setting have the freedom and support to control their own schedules, specifically waking up and going to bed, coming and going to and from the setting, and eating when they would like. Each living unit at the setting is equipped with a full kitchen and residents reported that they store food in their pantry and refrigerator and make breakfast at home daily.

Compliant

<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>Staff confirmed that people living at the setting may have visitors at any time. During the site visit, visitors were observed coming and going to and from the setting. Residents interviewed stated that they may have visitors at any time.</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>Staff stated that they have one resident that works at the food shelf in Browerville, about 5 miles away. Staff confirmed that they accommodate residents who wish to work by coordinating transportation, helping the person get ready for work, and providing a flexible service schedule. Staff reported that they will save meals or provide a packed lunch depending on the residents' needs.</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>Common spaces and living units were observed to be accessible to people living at the setting. People who live at the setting indicated that all living areas and common areas were accessible to them. Staff indicated that they work with people living at the setting to provide additional accessibility accommodations to living units, i.e., grab bars in bathrooms and living areas.</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 supports opportunities to access and engage in community life. Practical activities, such as errands and medical appointments are</p>	<p>Compliant</p>

<p>supported, as well as personal engagement, such as social and family outings, faith-based activities, and meals in the community.</p> <p>The staff provide information and resources on transportation options to access the greater community. Staff assist people to arrange transportation as needed and many people arrange their own transportation.</p> <p>Activities are tailored with feedback from people who live at the setting, through resident meetings, discussions with people, and by obtaining resident preferences during admission and at regular health assessments.</p> <p>The administrator confirmed that people living in the setting are informed of their right to choose any medical provider. Staff confirmed that there are no restrictions for people wishing to switch to a new provider.</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 does not provide money management services, and staff confirmed that people living in the setting have full control over their personal finances.</p>	Compliant
<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>Staff are trained to respect the privacy of people living at the setting through HCBS settings rule training and the Minnesota Home Care Bill of Rights. During the site visit, staff were observed knocking on people’s living unit doors to obtain permission to enter.</p>	Compliant
<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>Staff are trained to ensure the dignity and respect of people living at the setting through HCBS settings rule training and the Minnesota Home Care Bill of Rights. During the site visit, staff were observed</p>	Compliant

<p>addressing people by their chosen names, and people living at the setting were dressed in clothing of their choosing.</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>Staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act.</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>People in the setting were observed to lead their own lives and plan their own daily schedules, coming and going as desired, and arranging their days as they would like. Staff confirmed that customized living services accommodate the schedules of the people served in this setting.</p>	<p>Compliant</p>

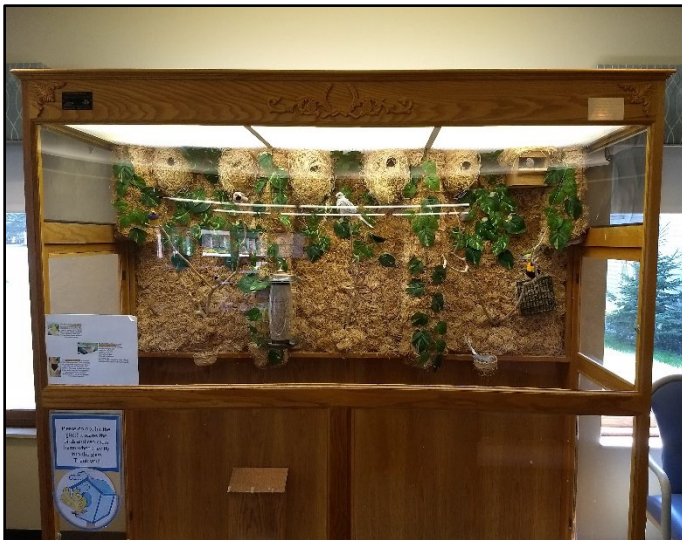
Pictures of the HCBS setting



Community room and chapel area



Parking area and residents' cars



Bird house in community room



Residents' mailboxes

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.