

HCBS Final Rule Evidentiary Package

Countryview Estates



Setting information

Setting name: Countryview Estates	ID # 21143
Street address: 1000 First St SE, Fairfax, MN 55332	Phone: 507-426-7271
Setting website: Countryview Estates (http://www.cvestates.org)	Date of site visit: 7/19/2018

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 Fairfax Community Home (nursing facility)

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

General summary

Countryview Estates is located in the city of Fairfax, in Renville County, about 95 miles southwest of Minneapolis, Minnesota. Fairfax had a population of 1,235 people in 2010.

Countryview Estates is a part of a continuum of care campus operated by Fairfax Community Home, which includes a short- and long stay nursing facility and therapy services. According to the provider’s attestation, the customized living setting serves 27 people, including 3 people supported by public HCBS waiver programs.

The continuum of care campus is privately owned and operated by Fairfax Community Home, Inc.

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>Countryview Estates, 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 run the day-to-day operations of the setting separately.</p> <p>The customized living is financially connected 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>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>The setting does not share any direct care staff with the nursing facility. However, nursing facility staff occasionally help with overnight call lights, but these staff receive HCBS training.</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>The customized living setting does not have a van to assist people in the setting with transportation, but the people in the setting have several other options, including: their own vehicles, family and friends, volunteer drivers from the wider community, county transit, and local taxi services.</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>Countryview Estates, the customized living setting, is very separate from the nursing facility on the campus. It has a separate street address and driveway, and it has a very different building style. It has a well-marked main entrance with plenty of parking. The setting is connected by a hallway to the nursing facility.</p> <p>The image below shows the setting outlined in gold. The rest of the campus is pictured just above the gold border.</p> 

Community engagement opportunities and experiences

Countryview Estates plans and oversees its own community engagement opportunities separate from the adjacent nursing facility. These offerings are supported by the customized living setting's manager and activity staff.

People served in the setting provide input on community engagement opportunities through interest assessment interviews, monthly tenant meetings, and through 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:

- Church events
- Community festivals
- County fairs
- Trips to area restaurants and stores.

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: exercise sessions, coffee times, music-making and arts and crafts, parties, and a variety of games.

A unique feature of this setting is that several community organizations commonly hold events at the building, and the setting frequently supports the events with food and drink. The building's large meeting spaces, convenient parking, and accessible physical plant make it a valuable resource for the wider community.

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>A compliant lease agreement was submitted with the provider attestation. A person interviewed in the setting confirmed that he is living in the setting under a lease agreement that was provided to him.</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 living unit doors in the setting. A person interviewed in the setting affirmed that his privacy was always respected in the setting.</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 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 does not share his living unit.</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>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>	Compliant

<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>The manager interviewed during the site visit confirmed that the setting works with the people they serve to accommodate their personal schedules and preferences.</p> <p>The community dining space in the setting was observed to have food and drink options available between meals.</p> <p>A person interviewed in the setting confirmed that he is able to get food and drink between meal times in the setting’s dining room. He also has a full kitchen in his living unit and can store and prepare food and snacks as he desires.</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>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 that he and can come and go as he likes, and can have visitors at any time of day.</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 were not aware of people living in the setting who were still employed. A person interviewed in the setting no longer works, and did not engage in regular volunteer work, but he said that staff were very willing to accommodate to his scheduling preferences.</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 building was observed to be accessible. A person interviewed said that he finds it easy to move about his living unit and the rest of the building. For example, the general restrooms in the common area had wide entry doors, grab bars, and roll-under sinks.</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>Attestation documents and the site visit showed that 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 said that he especially likes the musical events that take place in the setting, and the many community groups that host public events in the space. He has enjoyed participating in some of these events. He also gets into the wider community as often as he likes, mainly with the support of his family. A person interviewed in the setting was aware of medical services provided on-site in the setting but all of his medical care occurs in the wider 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’s attestation is compliant on this right. A person interviewed in the setting explained that he and one of his children manage all of his personal resources.</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>A person interviewed in the setting said that his privacy is respected by staff and others living in the setting. A manager in the setting knocked on the interviewees unit and waited until she was invited in. At that time, she made sure that an interview was still welcomed and whether it was still a good time for the person.</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>During the site visit, staff were observed treating people with dignity and respect. A person interviewed in the setting that he treated very well in the setting. He said that “he can do as he pleases” in the setting, and that he likes the independence. When he first moved there, he was concerned about giving up his independence, but things worked out well.</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 served in the setting said that he can very much live and do as he pleases in the setting, and that his preferences are honored and respected. He still owns his own farm, but now rents out the land to other area farmers. He regularly drives out to the land to see how crops are progressing, and to connect with his renters.</p>	<p>Compliant</p>

Pictures of the HCBS setting





Activity bulletin board



Separate driveway and building signage

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.