

# HCBS Final Rule Evidentiary Package

## Fair Meadow Assisted Living



### Setting information

Setting Name: Fair Meadow Assisted Living	ID # 215
Street Address: 300 Garfield Ave SE, Fertile MN 56540	Phone: 218-945-6149
Setting website, if applicable: <a href="http://www.fairmeadowfertile.org/assistedlivinghome.html#">Fair Meadow Assisted Living</a> ( <a href="http://www.fairmeadowfertile.org/assistedlivinghome.html#">http://www.fairmeadowfertile.org/assistedlivinghome.html#</a> )	Date of site visit: 6/18/2018

## 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 Fair Meadow Nursing Home

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

## General summary

Fair Meadow Assisted Living is a 19 apartment, Housing with Services setting, providing customized living services on the Fair Meadow Facility continuum of care campus. Fair Meadow Assisted Living is located in Fertile MN. Fertile is a small rural town in Northwestern Minnesota. Fertile’s population was 842 at the 2010 census.

## 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](#):


[http://www.dhs.state.mn.us/main/id\\_001787](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	<b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b>
<input type="checkbox"/> Unmet	The Fair Meadow Assisted Living and the Fair Meadow Nursing Facility share an administrator and other organizational processes at the administrative level. The Fair Meadow Assisted Living setting has a designated Housing Manager, nursing staff, direct care staff and community activities coordinator.
<input type="checkbox"/> Not applicable	

<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 Fair Meadow Assisted Living staff and the Nursing Facility staff are not cross trained to provide services at both settings. Staff are hired to work at either the Assisted Living or the Nursing Facility. The Fair Meadow Assisted Living staff received HCBS specific training consistent with licensing requirements.</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>Fair Meadow Assisted Living utilizes the TriValley bus for most transportation needs. People are also invited to join the nursing facility activities on outings. Fair Meadow Assisted Living also has a transport van that is wheelchair accessible.</p> <p>For medical appointments, additional transportation options include Medivan, BlueRide and R&amp;L.</p> <p>Families are also a dependable resource for providing transportation to residents for both off site activities and for medical appointments.</p>

- Met
- Unmet
- Not applicable

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

Fair Meadow Assisted Living is a separate, additional building with separate signage and entrances.



Fair Meadow Assisted Living (highlighted in yellow) is connected to the Fair Meadow Nursing Facility (highlighted in red) by an enclosed walkway. The walk way (highlighted in green) is separated by doors at the nursing facility end of the walkway.





## Community engagement opportunities and experiences

Fair Meadow Assisted Living encourages and supports people to be as involved in the local community to the extent that each individual desires. The setting provides a monthly community calendar listing all the activities occurring within the assisted living. The attached nursing facility also has a separate community activities calendar. People are also invited to ride to local events with the nursing facility residents if that group is attending an activity that the assisted living is not scheduled to attend. For example, the nursing facility schedules a monthly bus trip to a casino in another town. People living in the assisted living are invited to join along and many choose to do so.

People living in the Fair Meadow Assisted Living participate in many spontaneous community based activities, as the opportunity arises. Examples of community activities people living in the assisted living attended this past year include:

- Visiting the local nursery garden to see the fresh new flowers
- Going to Dairy Queen on warm days for ice-cream
- Taking van rides to visit the local Amish farm and visit with the families there
- The residents also enjoy taking rides around town to see the decorative lights around the holidays or to see the leaves changing color in the Fall
- For shorter small group rides, the setting also utilizes golf carts and drive residents around to look at the neighborhood.

The Fertile community is also actively involved in the Fair Meadow Assisted Living. The community utilized the assisted living setting to host some community events. For example the local Lion's Club hosts their large community holiday party at the assisted living. This allows the people at the assisted living to engage with multiple people of their community and it also serves to acquaint the community with the assisted living facility.

Local church organizations also host community meetings at Fair Meadow Assisted Living. A ladies church group conducts their weekly community meeting at the setting and all people are welcome to join the meeting.

Families are actively involved in the lives of people living at Fair Meadow Assisted Living. Family members frequently will provide transportation for people to attend local weddings, the county fair, going out to eat, visiting the family home and going to medical appointments and shopping.

Several people continue to drive their personal vehicles and come and go from the setting as they desire.

## 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>Fair Meadow Assisted Living submitted an HCBS compliant lease that includes the requirements of the HCBS final rule. Person interviewed confirmed that paperwork was reviewed with her upon her move in.</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>People are each given a key to the front entrance of the assisted living setting. Each person also has a key to the lock on their apartment door. The apartment doors also have a deadbolt, if the person chooses to use it. People interviewed reported that other people “never go into other people’s apartments.”</p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, who shares a bedroom, 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>Observation made of a vacant two bedroom apartment. The apartment was large in size with separate bedrooms on each end of the apartment. Person interviewed did not share a bedroom and did not wish to do so.</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><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Person’s apartment was observed to be furnished with personal furniture and belongings. Family pictures and unique décor was placed on the walls and throughout the apartment. Person reported that she brought everything in from her home.</p>	<p>Compliant</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> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <div data-bbox="203 877 1040 1503" data-label="Image"> </div> <p><i>Kitchen in apartment</i></p> <p>Person confirms during on site interview that she decides for herself when she wakes up, goes to bed, dresses or attends activities of her choosing. Meals may be saved for people, if they are not present at the time breakfast, lunch and dinner are ready. Snacks are also available. Additionally, each apartment unit has a full sized refrigerator in the kitchenette area to store personally purchased food and snacks.</p>	<p>Compliant</p>

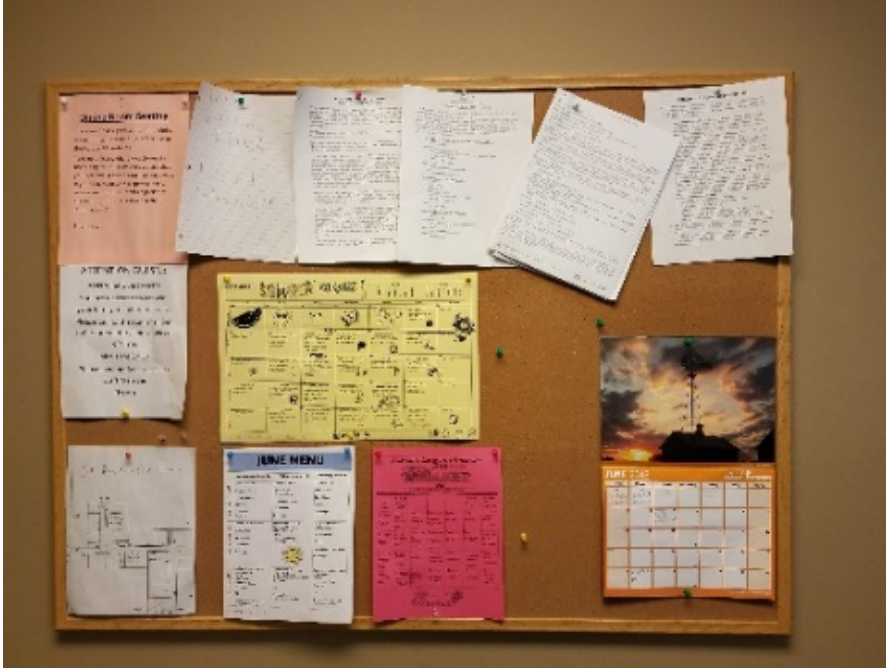


<p><b>The setting allows people to have visitors at any time.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>The setting does not have restrictions regarding visiting hours. The front entrance door locks for security reasons at 10:00 pm each night. If a person returns to the setting after 10:00 pm, they can use their key to open the entrance or they can use the buzzer to be let in by staff.</p>	<p>Compliant</p>
<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</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>Setting’s “Employment” policy is compliant. The policy instructs the staff to provide people access to day services and activities that compliment a person’s work schedule. People can also talk with the landlord regarding community work options and the setting will support person’s decisions in employment options that are compatible with their abilities.</p> <p>One person currently is working as a “grandma” at the local school.</p>	<p>Compliant</p>
<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>All areas of Fair Meadow Assisted Living are physically accessible per on site visit observation. Person interviewed confirmed that she is able to access all areas of her apartment and the setting.</p>	<p>Compliant</p>

**The setting provides people opportunities to access and engage in community life.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit



*Bulletin board with area happenings*

People were observed coming and going from the setting independently. Some people have their personal cars that they drive. One person has a motorized bicycle that he uses to travel around town on his own.


The setting utilizes a bulletin board to post community flyers and events that are happening. Person interviewed reported that she also listens to the local radio station, reads the newspaper, calls friends or checks the bulletin board to learn about the community events.

**The setting supports the person's control of personal resources.**

Compliant

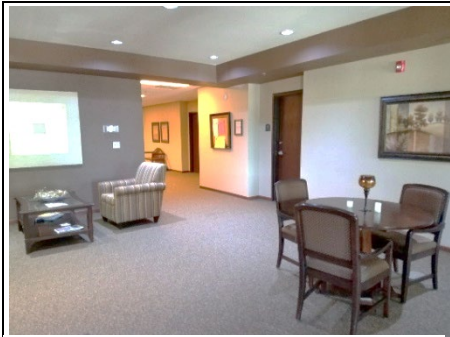
- Compliant documentation submitted with attestation
- Observation made during on-site visit

Per on site visit interview, person reported that she maintains her own personal bank account at a local bank. She also has control over her personal funds and her daughter has signatory authority as well.

<p><b>The setting ensures people’s right to privacy.</b></p> <ul style="list-style-type: none"> <li>☒ Compliant documentation submitted with attestation</li> <li>☒ Observation made during on-site visit</li> </ul> <p>Staff were observed knocking on apartment doors and asking for permission to enter the individual apartments. Bathrooms in the apartments had doors for privacy and the double room units had separate bedrooms with separate closets.</p> <p>Staff were observed asking people if they would like to return to their apartment from the common area to take their medications.</p>	<p>Compliant</p>
<p><b>The setting ensures people’s dignity and respect.</b></p> <ul style="list-style-type: none"> <li>☒ Compliant documentation submitted with attestation</li> <li>☒ Observation made during on-site visit</li> </ul> <p><i>Dining room where people choose seating</i></p>  <p>People observed throughout the setting were uniquely dressed to their liking in clean, proper fitting clothing. People were well groomed. During meal times, people can choose to sit at any table to eat and converse with other people of their choice.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>No evidence of coercion or restraint found. People were observed to be moving inside the setting to any area they chose. People observed leaving the setting per choice to attend breakfast with friends at a local diner in town.</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>Person interviewed confirmed that she is aware of the community happenings and activity calendar for the setting. She reports that enjoys attending the exercise program offered every Monday, Wednesday and Friday. She likes to play cards with the other people some of the time. When she does not feel like it, she chooses to stay in her apartment or do a different activity.</p>	<p>Compliant</p>

# Pictures of the HCBS setting



*Common sitting area*



*Beauty/Barber salon*



*Common kitchen area*



*Common sitting area*



*Accessible Spa/Bathtub*

## Public comment summary

**The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.**

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.

## 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.**