

# HCBS Final Rule Evidentiary Package

## Mahnomen Assisted Living Center



### Setting information

Setting name: Mahnomen Assisted Living Center	ID # 31182
Street address: 314 W Jefferson Ave Mahnomen, MN 56557	Phone: 218-935-2511
Setting website, if applicable: <a href="http://www.mahnomenhealthcenter.com/assisted-living/">Mahnomen Assisted Living Center</a> (http://www.mahnomenhealthcenter.com/assisted-living/)	Date of site visit: 5/14/2018

### 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 Mahnomen Health Center 414 W Jefferson Ave. Mahnomen MN 56557

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

## General summary

The Mahnomen Assisted Living Center is located in Mahnomen, MN. Mahnomen is a rural town in northwestern Minnesota and had a population of 1,229 per the 2016 census. The building is attached to a publicly owned nursing facility and hospital that is managed by Sanford Health. The hospital is attached to a clinic. The clinic is owned and managed by Sanford Health.

Mahnomen Assisted Living Center has 14 apartments in the building. Twelve of the apartments are designed for single occupancy, and two apartments are for shared occupancy. The two shared-occupancy apartments were vacant at the time of the on-site visit.

## 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 tasks (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting people with arranging meetings and appointments, assisting with money management, assisting people 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) (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 for customized living services](http://www.dhs.state.mn.us/id_001787#) (http://www.dhs.state.mn.us/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><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p>In partnership with Sanford Health, the Mahnommen Health Center and the Mahnommen Assisted Living Center share lead administrative staff such as the executive director, financial/business office staff and human resources. The Mahnommen Assisted Living Center has separate, on-site staff, including a designated service coordinator, housing director and direct care workers.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet	<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</p>

Not applicable

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.)

Mahnomen Assisted Living has registered nurses and direct care staff who are hired to work in the assisted living setting. They have received specific training on HCBS regulations and HCBS rights.

Met

Unmet

Not applicable

**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.)

The setting has a wheelchair-accessible van that can be used at any time. The Mahnomen area also has accessible public transportation through Heartland Express. Additionally, the reservation on which Mahnomen is located provides accessible transportation through scheduled bus routes and on-demand for a small fee.

Met

Unmet

Not applicable

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

The Mahnomen Assisted Living Center (highlighted in yellow) is a separate addition that was built on the Mahnomen Health Center (nursing facility highlighted in red and hospital highlighted in blue). The buildings are connected via an indoor walkway with an adjoining sitting/sun room area (see red arrow). The privately owned Sanford Health clinic is outlined in green.



## Community engagement opportunities and experiences

The Mahnomen Assisted Living Center's activity coordinator facilitates a "tenant meeting" each month. During this meeting, people are requested to provide input in the development of the monthly calendar. The monthly calendar is posted, and a copy is given to each person. Each person also receives a daily handout that lists the activities and menu occurring for the day.

People often do not go out in the community during the cold winter months unless necessary due to the temperature, ice and snow. However, the spring and summer months are greatly anticipated for all people living in the area. There are community activities that people may choose to attend either on their own or go as a group in the facility van. The staff reported that people will often hear of an area event occurring, and the program allows the flexibility to provide for spontaneous outings with a group.

People living at this setting are free to come and go from the setting as desired. They each have a key that allows them to access the building if they return after the main doors are locked for the night.

Examples of activities that people attend on their own or with family include:

- Shopping
- Attending bingo at the local bingo hall
- Going to the local casino
- Going to the family's lake cabin
- Grocery shopping
- Going out to eat with family.

The local public school is located directly across the street, which provides for easy access to public sporting events and school activities that involve the public coming and going from the immediate area.

The Mahnomen Assisted Living Center plans various activities onsite. The setting has wide sidewalk paths surrounding the setting that are used for walking. There also is a large outdoor picnic/ sitting area with an outdoor swing that is accessible for wheelchairs. There are various sitting areas located outside on the grounds of the setting.

Additional examples of on-site activities include kickball, cooking/baking, reminisce time, religious activities, pedicures, manicures, bingo, the monthly birthday party, waffle-making and planting flowers.

Inside the setting is a large living room common sitting area, dining area with coffee and cookies available in between meals, common kitchen area with stove and refrigerator, puzzle

room with exercise equipment, large spa bathroom and various smaller sitting areas located on both the main floor and the 2nd floor.

People living at the Mahnomen Assisted Living Center also have the option to attend the activities occurring on the nursing facility side of the building, as they desire.

## 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 (Please select)
<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>Compliant lease with handbook was submitted with attestation and observed on-site in welcome packet.</p>	Compliant
<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>Tenant Handbook states, "All units at the MAALC have lockable doors. Tenants have the right to lock as they desire. Staff will knock and receive tenant's permission prior to entering a unit. Staff will only access a unit without prior permission as needed for the health and safety of tenants."</p> <p>Observation of locks on apartment doors was made during on-site visit. People interviewed confirmed they have keys to the doors.</p>	Compliant
<p><b>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	Compliant

<input checked="" type="checkbox"/> Observation made during on-site visit  The two apartments designed for double occupancy were vacant at the time of visit but have been used by married couples in the past. The remaining rooms are individual apartments.	
<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> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation  <input checked="" type="checkbox"/> Observation made during on-site visit  Tenant handbook states, “Tenants have the right to furnish and decorate their unit as desired including decorations, linens, furniture and other household items that are within their budget and terms of the lease agreement. Such items will be displayed according to tenant’s preferences.”  The apartments come unfurnished. People are required to provide their own furnishings. Individual apartments were observed to be decorated with people’s individual belongings throughout the apartments.	Compliant
<p><b>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation  <input checked="" type="checkbox"/> Observation made during on-site visit  Tenant Handbook states, “If you think that you won’t be able to make the scheduled meal hour, please let the Housing Coordinator know so that a meal can be reserved for you and served at your convenience. A refreshment bar, located in the dining room, will have beverages and snacks available 24 hours a day.”  People confirmed during the interviews that they are in control of their daily schedules. People have the freedom to store food in their apartments, or they can use the common kitchen area located on the ground floor to cook/bake or store items in the shared refrigerator if they mark their name on the items.	Compliant
<p><b>The setting allows people to have visitors at any time.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation	Compliant

<p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Tenant Handbook states, "Guests are welcome at Mahnomen Area Assisted Living Center. You may choose who your guests are and they are welcome at all times at a duration of your choosing."</p> <p>Family members were observed coming to the setting to pick up a person to bring with them to the family lake cabin for a few days. There is also a tenant/visitor logbook located by the main entrance to the setting where people are asked to sign in and out for safety reasons.</p>	
<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Tenant Handbook states, "Volunteer opportunities are available to families and tenants. If you would like to volunteer, please contact the Housing Coordinator."</p> <p>There is a compliant policy regarding flexible scheduling for people who choose to be employed. Staff confirmed that no barriers exist to people who choose to be employed.</p>	Compliant
<p><b>The setting is physically accessible to the individual.</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>Tenant Handbook states, "It is important to MAALC that you are able to utilize the kitchen, dining area, laundry, and shared living areas as you desire. Should you encounter difficulties accessing any of the above areas on your own, please contact the Housing Coordinator through verbal or written correspondence to request reasonable accommodations."</p> <p>Inside and outside of the setting, there was observed to be accessibility at on-site visit. No barriers were noted. Each apartment includes a private bathroom with an accessible shower. An elevator is also available.</p>	Compliant
<p><b>The setting provides people opportunities to access and engage in community life.</b></p>	Compliant



<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>People are free to come and go from the setting as desired. Policy also confirms that people are free to attend activities of their choosing or decline to participate in any activity they do not want to attend. This was confirmed by interviews with people. One person reported she enjoyed attending most planned activities. Another person preferred quiet, solitary time in her room to read her novels or to enjoy other activities individually with visiting family members.</p>	
<p><b>The setting supports the person’s control of personal resources.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The setting reported on attestation that this setting does not provide money management duties. People interviewed confirmed that they keep control over their personal assets, including money while living in the setting.</p>	Compliant
<p><b>The setting ensures people’s right to privacy.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>Tenant Handbook states, “Staff will knock and receive tenant’s permission prior to entering a unit. Staff will only access a unit without prior permission as needed for the health and safety of tenants.</p> <p>In addition, tenants will be provided privacy during all personal cares. Tenants also have the right to meet privately with family, friends and other visitors. Tenants will be provided with privacy to carry out any personal communications.”</p> <p>Observation confirmed people are provided privacy in their individual apartments. The apartments have their own private bathroom with walk-in showers. People also have the option to use the sit-in whirlpool tub located in the spa room of the facility.</p>	Compliant
<p><b>The setting ensures people’s dignity and respect.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant

<p>Observation of staff treating people with dignity and respect during the site visit. Staff knocked on apartment doors and asked for permission before entering apartments. People interviewed report that they can choose to eat and sit anywhere they choose. People are dressed appropriately for the weather.</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>Tenant Handbook states, “Tenants are free to come and go at Mahnomen Area Assisted Living Center. However, we would like you to inform staff when you are leaving and we require that you sign out in the “Tenants’ Sign In/Out” book.”</p> <p>Compliant Vulnerable Adult policies were submitted with the attestation. Observation made during the site visit that relevant materials were posted publicly for people, staff and visitors.</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>Tenant Handbook states, “MAALC is dedicated to promoting an environment that allows and encourages individuals to make their own choice in regards to activities, services, friends, and visitors- in choosing who, how, and where they spend their time. Tenants have the right to make their own daily schedule.”</p> <p>People were observed doing individual activities and visiting in small groups, as desired.</p>	<p>Compliant</p>

# Pictures of the HCBS setting



Common sitting area



Common sitting area



Common sitting area on 2nd floor



Chapel area



Dining room



Courtyard gated for security reasons



Coffee and snack area in common space

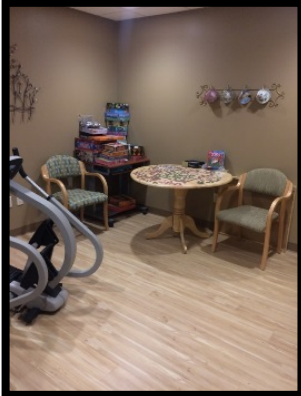


Table with puzzle in activity area



Open kitchen area

## 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.**