

# HCBS Final Rule Evidentiary Package

## Perham Living – Northwinds



### Setting information

Setting name: Perham Living Northwinds	ID # 312
Street address: 735 3rd Street SW Perham, MN 56573	Phone: 218-347-1945
Setting website, if applicable: <a href="https://www.perhamhealth.org/perham-living/northwinds-memory-care/">Perham Living Northwinds</a> ( <a href="https://www.perhamhealth.org/perham-living/northwinds-memory-care/">https://www.perhamhealth.org/perham-living/northwinds-memory-care/</a> )	Date of site visit: 7/17/2018

## 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 Perham Living, 735 3rd St Southwest, Perham, MN, 56573

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

## General summary

Perham Living Northwinds is a customized living setting located in the rural city of Perham, MN. Perham is located in northwest Minnesota, and, as of the 2016 census, the population was 3,300.

Perham Living Northwinds is located within a residential area of Perham and is within close proximity to churches, restaurants, healthcare, parks and shopping.

Northwinds is owned by the Perham Hospital District and is doing business as Perham Living Northwinds. This setting provides customized living services to people in need of specialized memory care services. One of the listed criteria to live at this setting includes, "You must require a secured living environment and/or higher level of personal support."

## 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#](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>Perham Living Northwinds is an 11-unit apartment building located on the Perham Living/Perham Health continuum of care campus. All settings on the campus are owned by the Perham Hospital District. There is clear separation of the HCBS setting, Perham Living Northwinds, from the institutional setting, Perham Health nursing home, that is also located on the campus. The two distinct settings have separate policies, directors, nursing, activities and resident assistant staff.</p>
<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 Perham Health nursing facility staff do not provide support or back-up for the staff at the HCBS setting, Perham Health Northwinds.</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>Perham Living Northwinds has access to the campus van for community activities. The setting also has access to and uses the Perham city bus (Otter Express). Additionally, Perham has community volunteer drivers and family members provide transportation to people who receive services at the setting.</p>

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

The Perham Living Northwinds setting is connected to the Town Center, which is a common meeting area that is also open to the public. Included in the

- Nursing Home
- Transitions
- Town Center
- Gift Shop
- ← Adult Day Services
- ← Home Care
- ← Northwinds
- ← Pediatric Therapy

Town Center are a barber/beauty shop, a theatre, a gift store, a chapel

and the Courtyard Café. The Town Center is located centrally between the HCBS setting and the Perham Health nursing home. At the far end of the Town Center is the General Store. The hallway behind the General Store in the picture (top right), is the

hallway that leads to the nursing facility. As the sign pictured (top left) shows, Perham Living Northwinds is located in the opposite direction from the nursing home.



Met

Unmet

Not applicable

Perham Living Northwinds also has separate outdoor signage and entrances.



Nursing home entrance



Northwinds entrance

# Community engagement opportunities and experiences

People receiving services at Perham Living Northwinds who enjoy getting out in the community have the opportunity to go out and enjoy community events with the supervision of Northwinds staff. There is also regular daily and weekly activities held in the Town Center that they may attend with the supervision of Northwinds staff or family, per the person's plan of care. Some examples of the activities occurring in the Town Center include:

- Yoga
- Tone chimes
- Special music events
- Happy hour from 3:30-5:30 p.m., where people residing at Perham Living are provided two tokens for free beverages.



Based on the abilities, interests and person-centered plans, Perham Living Northwinds has provided opportunities for people who receive services to attend and integrate into the community. Some examples of community engagement include:

- Attending "Pioneer Days" downtown: People receiving services participated in or observed Turtle Races, and they took rides around Perham on an old-fashioned trolley car
- Attending the town fair
- Attending local parades.

The Perham Rotary Club also tends to the gardens in the courtyard.



Northwinds also has a childcare and a Boys and Girls Club on campus that visits for activities for the residents to enjoy. One of the Boys and Girls Club activities held at the setting is "Garden Buddy" day. Gardening in the courtyard is a shared activity involving both the children and people receiving services.



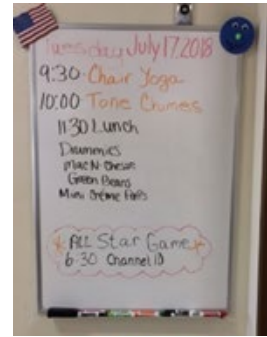
People receiving services also attend community events with family members. Some examples of persons going out with family and friends include:

- Attending church
- Going out to eat and shopping
- Attending family events (e.g., weddings, showers)

- Staying at the family cabin.

One person’s husband occasionally stays overnight at the setting to visit with his wife.


“The activities at Northwinds are designed to promote physical, mental, spiritual, cognitive, and overall well-being of the residents. These activities may include, but are not limited to, exercising, crafts, music, sensory stimulation, games, and other things of the like.”



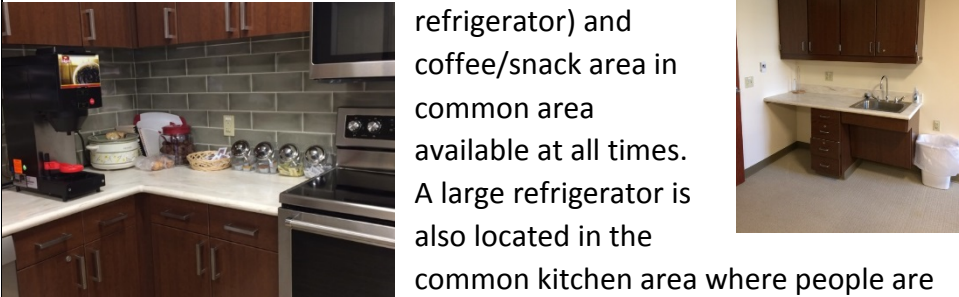
## HCBS characteristics

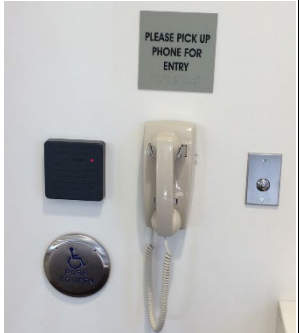
This section is a summary of the individual HCBS characteristics required in the HCBS rule. The findings for each characteristic are identified through the setting attestation documentation, on-site observation or both.

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>The setting submitted a compliant lease and included the HCBS requirements into the housing-with-services (HWS) contract that is signed by the setting and the person receiving services.</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>Locks were observed on the apartment doors. HWS contract/Lease includes the following right:</p>	Compliant

<p>“Northwinds, as the landlord, shall provide the locks on the unit. Only a staff member with a specific need to enter the unit shall have keys, and advance notice will be given to the resident before entrance, when possible. Staff will respect the Resident’s privacy by knocking or requesting to enter a room and receive permission prior to entering. Staff will only access a Resident’s Apartment Unit without their approval as needed for health and safety.”</p>  <p>A person interviewed confirmed she has keys to her apartment, but she “never lock[s] the door because [she] feels safe” with the door unlocked.</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>“Resident has the right to share a room with a person that he/she is compatible with. Resident can request a choice or change in roommate; Resident should contact the RN Clinical Coordinator to initiate this request.”</p>	Compliant
<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>HWS contract/Lease includes the following right:</p> <p>“Resident can decorate his/her Apartment Unit, including choosing decorations, linens, furniture and other household items that are within the Resident’s budget.”</p> <p>A person was interview in an apartment. Apartment was observed to be decorated with personal decorations and furnishings.</p>	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> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p>	Compliant



<p>HWS contract/lease includes the following right: “Resident can choose when, where, and with whom they would like to eat. If Resident misses a meal due to an activity, he/she does not have to wait for the next meal to eat. He/she is allowed to store snacks in his/her unit or a designated area that is accessible to him/her at all times.”</p> <p>Observations include kitchenette in apartments (note the space under the counter for small refrigerator) and coffee/snack area in common area available at all times. A large refrigerator is also located in the common kitchen area where people are able to store their own or obtain snacks provided by the setting at any time. Also refer to “Pictures of the HCBS setting” section for additional photos.</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>HWS contract/lease includes the following right: “Resident chooses who his/her visitors are. Resident has the right to privacy during the visit, without any restrictions on the time of visits and where he/she visits his/her guest(s).”</p> <p>People interviewed also confirmed they have visitors at any time.</p>	Compliant
<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 Client Employment and Volunteerism policy states, “As part of the admission process for services, the nurse will assess and document any current employment or volunteer work and assess for any interest in these areas. If the resident has interest or a current working schedule, the facility will coordinate with the case manager on flexible scheduling, to accommodate the resident’s work schedule, as</p>	Compliant

<p>appropriate, in order to deliver services in a way to complement their schedule and meet their needs.”</p>	
<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>The Perham Living Northwinds Statement of Disclosure of Special Unit policy states, “The design of Perham Living Northwinds was specifically designed with the resident experiencing forms of dementia and Alzheimer’s in mind to support their functioning needs and help improve their quality of care and life.”</p> <p>Some of the accessibility features listed in the policy included are:</p> <ul style="list-style-type: none"> <li>• Secure building access with controlled access at two points of entry: <ul style="list-style-type: none"> <li>○ It is noted that family members are given badge access. There is also a phone in the entry so people without a badge can call to request access to the setting</li> </ul> </li> <li>• Handrails along most walking pathways for extra support</li> <li>• Appropriate lighting for visibility during the day and specialized lighting during the evening hours to ensure visibility during dark hours</li> <li>• No dead-end hallways within the unit for ease of continuous walking.</li> </ul>	<p>Compliant</p> 
<p><b>The setting provides people opportunities to access and engage in community life.</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>The setting’s Resident Rights in Housing with Services Settings policy states, “Residents have the right to freely access and engage in community life and control their own schedules.”</p> <p>People also reported that they go into the community as desired, including choosing their own providers.</p>	<p>Compliant</p>
<p><b>The setting supports the person’s control of personal resources.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	<p>Compliant</p>

<input checked="" type="checkbox"/> Observation made during on-site visit  The setting’s Resident Rights in Housing with Services Settings policy states, “Residents have the right to manage their own resources and funds, and can authorize the provider or family to assist in management of this. This means that when the provider assists me they will ensure documentation and justification of use.”	
<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  The setting’s Resident Rights in Housing-with-Services Settings policy states, “Staff will respect the Resident’s privacy by knocking or requesting to enter a room and receive permission prior to entering. Staff will only access a Resident’s Apartment Unit without their approval as needed for health and safety.”	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  The HWS contract/lease includes the following right: “Resident will be treated with dignity and respect by all staff at Northwinds.”  Staff were observed talking to people in a respectful manner.	Compliant
<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation  <input checked="" type="checkbox"/> Observation made during on-site visit  The HWS contract/lease includes the following right: “All residents in Northwinds have the right to live freely without coercion or restraint unless indicated on the care plan or by the medical provider to ensure safety for the client. If any of these are used the family/care giver and provider will be in agreement of care plan.”	Compliant
<p><b>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation  <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant

The setting's policy states, "Northwinds is based on the client centered care; this allows residents the autonomy and independence to make their regular life choices of when they wake-up, eat, go to activities, go to bed, etc."

People are free to choose their daily activities and schedules.

# Pictures of the HCBS setting



Dining table



Activity area



Common kitchen



Spa tub



Apartment shower



Apartment vanity and sink



Chapel



Jukebox



Barber/beauty salon



Daycare playground



Courtyard glider swing



Herb garden

## 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.