

# HCBS Final Rule Evidentiary Package

## St. Therese of Oxbow Lake



*Front entrance to St. Therese of Oxbow Lake*

## Setting information

Setting name: St. Therese of Oxbow Lake

Street address: 5100 Oak Grove Parkway, Brooklyn Park, MN 55443

Phone: 763-493-7000

NPI: M752490500

Setting website: [St. Therese of Oxbow Lake](#)

Date of site visit: 5/11/2026

# Funding and waiver service type

Waiver	Service type
<input type="checkbox"/> Elderly Waiver (EW) <input type="checkbox"/> Brain Injury (BI) <input type="checkbox"/> Community Access for Disability Inclusion (CADI) <input checked="" type="checkbox"/> Private pay or other third-party insurance <input checked="" type="checkbox"/> Pending HCBS service provider. Not yet approved for waiver funding pending heightened scrutiny determination.	Customized living service

# Reason for heightened scrutiny

Prong type	Name of institution
Prong 1 Located in a Public or Private Institution	St. Therese of Oxbow Lake Long Term Care

Note: The term people/person (resident for residential settings) refers to people receiving customized living services.

# General summary

St. Therese of Oxbow Lake is a licensed assisted living setting within a continuum-of-care campus that includes a skilled nursing facility providing short-term rehabilitation, long-term care, memory care, and hospice services.

**Geographic information:**

This assisted living facility is located in Brooklyn Park, Minnesota, in Hennepin County. Brooklyn Park is a suburban city north of the Twin Cities. It is the sixth-largest city in the U.S. state of Minnesota. The population was 86,478 at the 2020 census.

**Number of people served:**

The setting is licensed for 71 people. At the time of the visit, they had 57 residents.

## Customized living standards/qualifications

Licensure requirements and other state regulations for customized living services clearly distinguish these services/settings from institutional licensure or regulations.

Customized Living settings must have an Assisted Living license through the Minnesota Department of Health and meet all of the requirements and standards of the Assisted Living licensure, [Minn. Stat. 144G](#) or meet an exemption under [Minn. Stat. 256S.20, subd. 1](#). Customized Living services provide an individualized package of regularly scheduled health-related and supportive services provided to a person who resides in a qualified setting with an assisted living license.

## 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 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 the following resource in the Community Based Services Manual (CBSM):

[CBSM: Customized living component service definitions and guide for computing time for rate-setting tools](#)

The CBSM provides the following requirements for customized living services: [CBSM: Customized living \(including 24-hour customized living\)](#).

# **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.

HCBS Rule requirement	Compliance determination
<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><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.10</a>, “Each assisted living facility must employ an assisted living director licensed or permitted by the Board of Executives for Long Term Services and Supports.”</p> <p><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722</a>, “The person primarily responsible for oversight and management of the exempt setting, as designated by the owner, must obtain at least 30 hours of continuing education every two years of employment as the manager in topics relevant to the operations of the setting and the needs of its residents. Continuing education earned to maintain a professional license, such as a nursing home administrator license, assisted living facility director license, nursing license, social worker license, or real estate license, can be used to complete this requirement.”</p> <p><b>Narrative:</b></p> <p>The campus has one administrator who oversees the assisted living and the skilled nursing facility (SNF). The customized living setting has a designated Licensed Assisted Living Director (LALD) who provides oversight and direction to the assisted living staff. The skilled nursing facility has its own director, the director of nursing (DON). The DON oversees the staff at the skilled nursing facility, including the direct care and nursing staff.</p>	<p>Compliant</p>

<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></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of training policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.60</a>, “All staff persons providing assisted living services must be trained and competent in the provision of services consistent with current practice standards appropriate to the resident's needs, and promote and be trained to support the assisted living bill of rights.”</li> <li><input type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144A.44, subd. 1</a>, “A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (12) be served by people who are properly trained and competent to perform their duties.”</li> </ul> <p><b>Narrative:</b></p> <p>The assisted living and the skilled nursing facility each have their own staff. Sometimes staff from the skilled nursing facility work in the assisted living to help cover a shift, and they do have on-call staff. Those staff are trained and understand the HCBS rule requirements. Staff are not scheduled to work in both settings on the same shift.</p>	<p>Compliant</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.**

**Validation methods:**


- Interview(s) with administrative staff.
- Interview(s) with direct care staff.
- Review of transportation policy and procedure(s).
- State license requirement: As required under [Minn. Stat. 144G.41](#), "Upon request of the resident, the assisted living must provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance."
- State statutory requirement: As required under [Minn. Stat. 256S.09](#), "Elderly waiver case management activities provided to or arranged for a participant include: (5) assisting the participant with gaining access to needed elderly waiver and other state plan services; (6) assisting the participant with gaining access to needed medical, social, educational, and other services regardless of the funding source for the services to which access is gained."

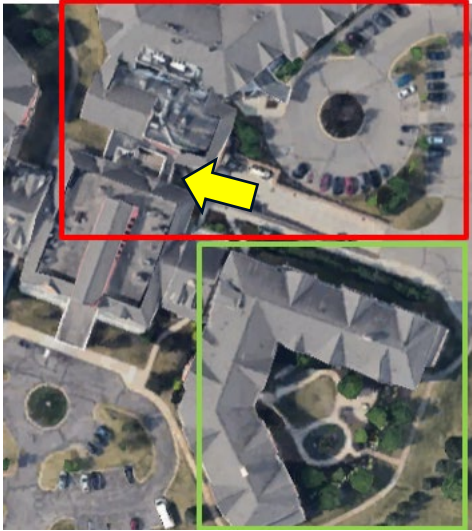
**Narrative:**

Residents in this setting have a variety of transportation options. The setting has 2 vehicles of its own. The setting does have a city bus stop within a few blocks. Metro Mobility is used frequently, and residents also use applications like Uber or Lyft to schedule rides. A few residents still drive and have a car on site to use when they wish. Family often transports residents to appointments and family events. One of the residents interviewed said his girlfriend transports him where he needs to go. Another resident said she takes Uber with help from her daughter. Residents are informed about these options when they move in and whenever they request assistance with rides. Staff assist residents in scheduling transportation when needed.

Observed Metro Mobility buses coming and going from the setting. Also observed the setting's bus leaving with people on board.

Compliant

 <p style="text-align: center;"><i>St. Therese Van</i></p>		
<p><b>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Observation of the distinction of the separate spaces.</li> <li><input checked="" type="checkbox"/> Aerial photo and/or photos identify the separation of settings.</li> </ul> <p><b>Narrative:</b></p> <p>The assisted living facility is a completely different building from the skilled nursing facility, although they are connected. The aerial view shows the skilled nursing facility in red and the assisted living facility in green. The yellow arrow indicates where the assisted living facility connects to the skilled nursing facility through the lobby and a doorway. There are two connections inside the building; see photos below. Signs help people determine whether they are in a skilled nursing facility or an assisted living facility.</p>		Compliant



*Aerial view of campus*



*Sign showing arrows to different areas*



*Connection number one to nursing facility*

Compliant



*Figure 1 Connection number two to nursing facility*

# 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 documentation, on-site observations and interviews.

HCBS Rule requirement	Compliance determination
<p><b>The setting is selected by the individual from among a variety of setting options including non-disability specific settings.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input type="checkbox"/> MnCHOICES support plan requirements: In the “What I Want my Life to Look Like” section of the support plan, using person-centered principles, the case manager/care coordinator must describe the person’s choice about housing. The case manager/care coordinator must have a conversation with the person for each of the statements on the signature sheet to ensure they understand what they are agreeing to and have the necessary information to make an informed choice. The case manager/care coordinator selects yes or no for each statement. If the person answers ‘no’ the case manager/care coordinator must review the content again in another format or discuss further with the person.</p> <p><input type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under <a href="#">Minn. Stat. 256B.0911, subd. 29</a>, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (iii) living arrangements; (v) service provided in a non-disability-specific setting;”</p> <p><b>Narrative:</b></p> <p>Case managers are required under state statute to offer and document all available living arrangements in the person’s support plan, including non-disability-specific options. However, because this is a new setting undergoing heightened scrutiny, only residents receiving customized living services funded by private pay or other non-waiver funding were interviewed.</p> <p>One resident said that she was on the list for several co-op units, but when an opening came up at St. Therese, she wanted to move there. Another resident stated, “I like the different levels of care. That way if something happens, I won’t have to move.”</p>	<p>Compliant</p>

<p><b>The setting facilitates individual choice regarding services and supports, and who provides them.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input checked="" type="checkbox"/> Review of setting’s policy and procedure(s).</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91, subd. 24</a>, “Residents have the right to be informed by the assisted living facility, prior to executing an assisted living contract, that other public and private services may be available and that the resident has the right to purchase, contract for, or obtain services from a provider other than the assisted living facility.”</p> <p><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(a) Every exempt setting must execute a written contract with a resident or the resident's representative and must operate in accordance with the terms of the contract. The resident or the resident's representative must be given a complete copy of the contract and all supporting documents and attachments and any changes whenever changes are made. (b) The contract must include at least the following elements in itself or through supporting documents or attachments: (12) a statement regarding the ability of a resident to receive services from providers with whom the exempt setting does not have an arrangement.”</p> <p><input type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144A.44, subd. 1</a> “(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (8) know that there may be other services available in the community, including other home care services and providers, and to know where to find information about these services; (9) choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, other health programs, or public programs.”</p> <p><b>Narrative:</b></p>	<p>Compliant</p>
---	------------------

Based on the validation methods reviewed above, it has been determined that St. Therese of Oxbow Lake is compliant with this requirement. An interview with the Assisted Living Director confirmed that residents have the right to choose providers outside the setting, and many do. She stated, "They know they can use whatever provider they want." Residents are given the information about this right when they move in, and every year when the Assisted Living Bill of Rights is reviewed with them. The setting offers on-site rehabilitation options, including physical, occupational, and speech therapy. The setting also includes medical professionals who come to it, such as doctors, dentists, and podiatrists. However, according to staff and assisted living director, a variety of companies enter the setting to provide services to residents who choose not to use the on-site options. One resident interviewed said all the doctors he sees are outside of the assisted living. But another resident said "I use the doctor here for most things. But I do see my own skin doctor."

<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><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of written lease or residency agreement.</li> <li><input checked="" type="checkbox"/> State license requirement: This setting submitted a compliant Assisted Living lease/contract as required under <a href="#">Minn. Stat. 144G.50 – 144G.57</a>. <a href="#">Minn. Stat. 144G.11</a> states, “Assisted Living facilities are subject to and must comply with Chapter 504B.” The lease/contract is required to be signed by the setting and the person receiving services or their representative.</li> <li><input type="checkbox"/> State statutory requirement: This setting submitted a compliant written lease/contract as required under <a href="#">Minn. Stat. 325F.722, subd. 8</a>. “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, we determined that St. Therese of Oxbow Lake is compliant with this requirement</p> <p>A copy of the lease was reviewed. During the interview with the Assisted Living Director, it was confirmed that residents sign the Assisted Living Contract and receive a copy. When asked whether they were part of the intake meeting and process, one resident said, “Oh yes, I was there for that.” Another resident interviewed, who used to be an attorney, said he understood his right to have a lease or residency agreement.</p>	<p>Compliant</p>
---	------------------

<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door with only appropriate staff having keys to doors.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation of lockable unit doors during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91, subd. 13</a>, “(a)Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan. (b) Residents have the right to have and use a lockable door to the resident's unit. The facility shall provide locks on the residents’ unit. Only a staff member with a specific need to enter the unit shall have keys. This right may be restricted in certain circumstances if necessary for a resident's health and safety and documented in the resident's service plan.” (Refer to Rights Modification section)</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(c) The contract must include a statement regarding: (5) a resident's right to have and use a lockable door to the resident's unit. The exempt setting must provide locks on the unit. Only a staff member with a specific need to enter the unit shall have keys, and advance notice must be given to the resident before entrance by the staff member, when possible.”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it has been determined that St. Therese of Oxbow Lake is compliant with this requirement</p> <p>Staff are trained on this during orientation and annually thereafter. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Locks were observed on all residents’ doors in the setting, and interviews with residents confirmed that they knew they had the right to lock their doors</p>	<p>Compliant</p>
---	------------------

and to have their own key. Staff must check out a set of keys while they are working and give them back at the end of the shift.

Interviews with the assisted living director and staff confirmed that residents have locks on their doors and their own keys to open them. Residents have badges to enter and exit the building and can obtain additional badges for family members or other important visitors. Residents also have locked mailboxes to keep their mail private.



*Resident Mailboxes*

<p><b>The setting facilitates that a person, who shares a bedroom/unit, is with a roommate of their choice.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, “Residents have the right to choose a roommate if sharing a unit.”</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(c) The contract must include a statement regarding: (4) a resident's right to choose a roommate if sharing a unit;”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement. Residents are informed of this right through the Assisted Living Contract and the resident handbook. Staff are trained that residents have this right during orientation and annually thereafter. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. None of the residents interviewed shared a bedroom. The assisted living director confirmed that no one in the assisted living setting shares a bedroom unless it is their spouse.</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><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation of residents’ units during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, “Residents have the right to furnish and decorate the resident's unit within the terms of the assisted living contract.”</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(c) The contract must include a statement regarding: (1) the ability of a resident to furnish and decorate the resident's unit within the terms of the lease;”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is found to be compliant with this requirement. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter. Interviews with residents took place in their apartments. Each apartment contained personal items such as photographs, memorabilia, books, sports jerseys, and figurines. Residents interviewed confirmed that the decorations in their apartments were their personal items. One resident interviewed told stories of how he got some of the items. He told us about how he obtained the Peyton Manning jersey he had framed in the hallway. He also told us that he had experience handling tiger cubs, and that is why he had tiger decorations on his shelf. Residents interviewed confirmed that they knew they had the right to decorate their apartments as they wished. LALD confirmed that residents can decorate their apartments and the areas outside their doors.</p>	<p>Compliant</p>
---	------------------



*Decorations on the outside of resident's door*



*Personal decor in resident apartment*



*Memorabilia on a resident's wall*

<p><b>The setting provides people access to food at any time.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to access food at any time. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(c) The contract must include a statement regarding: (2) a resident's right to access food at any time;"</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is found to be compliant with this requirement. The Assisted Living Director and direct care staff confirmed that residents have access to food at any time. She stated that the kitchen makes sandwiches for residents to eat if they are hungry outside mealtimes. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter. There are snacks available in the kitchen as well if residents are hungry. Residents just need to ask a staff. Snacks are always available on a table in the dining room as well. Snacks are also available by request. There is a bistro on site as well. At mealtimes, if the resident does not like the meal offered, there is always an alternative. Residents can store and prepare food in their apartment kitchens. Menus are distributed to residents and are posted in several places in the setting. The setting has a small gift shop called The Rose, which has snacks in addition to gifts. Residents interviewed confirmed that they knew that they could get food at any time. They confirmed that menus are provided to them and posted around the building. One resident stated: "There is always food in the kitchen if we want some."</p>	<p>Compliant</p>
--	------------------



Posted menus



Dining room



*The Rose gift shop*



*The Bistro*

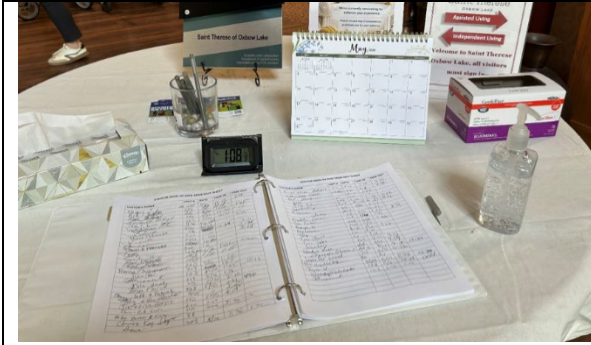


*The snack table in the kitchen*



*Resident kitchen*

<p><b>The setting allows people to have visitors at any time.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation of people coming and going during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to meet with or receive visits at any time by the resident's family, guardian, conservator, health care agent, attorney, advocate, or religious or social work counselor, or any person of the resident's choosing. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan." (See Rights Modification section)</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(c) The contract must include a statement regarding: (3) a resident's right to choose the resident's visitors and times of visits."</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement. Assisted Living Director and direct care staff confirmed in interviews that residents may have visitors at any time. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter. During the site visit, visitors were seen entering the building and signing the visitor log, which had multiple entries. The setting provides shared spaces for residents to meet with visitors if they choose not to meet in their own apartments. There is a separate room that residents can reserve at no cost for family gatherings or other social events.</p>	<p>Compliant</p>
--	------------------



*Resident sign-out book*



*One of the common areas that residents can use for visiting with guests*

<p><b>The setting provides opportunities for people to volunteer or seek employment and work in competitive integrated settings.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 256B.0911, subd. 29</a>, "(d) the written support plan must include: (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers."</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement.</p> <p>During interviews, the assisted living director and staff stated they were unaware of any residents currently employed in the community. Residents receive information about this right intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter. Some residents volunteer at St. Therese of Oxbow Lake, and others volunteer at their churches in the community. Residents are asked about their desire to work as part of their interest assessment during the intake process. The assisted living director and staff confirmed they would be flexible with residents’ employment or volunteer schedules as needed. None of the residents interviewed were employed outside the setting. One of the residents interviewed said he volunteers to lead mass and had just finished mass when we interviewed him. He also volunteers with his dog as a therapy dog for the other residents.</p>	<p>Compliant</p>
--	------------------

<p><b>The setting is physically accessible to the individual.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.11</a>, “Assisted living facilities:(1) are subject to and must comply with chapter 504B;”</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722. subd. 8</a>, “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.”</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 363A.10, subd. 1</a>, “For purposes of section 363A.09, discrimination includes: (1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear; (2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement</p> <p>The Assisted Living Director and staff reported that the setting is accessible to residents. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter. Resident apartments have grab bars, raised toilet seats, shower chairs, and accessible showers. The common areas are accessible, with wide hallways and railings throughout. Staff are trained in this right so they can assist residents as needed in requesting accommodation. Residents interviewed stated they do not have any</p>	<p>Compliant</p>
---	------------------

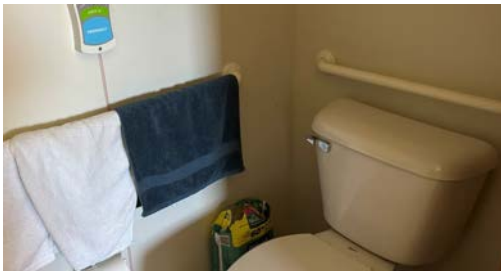
issues navigating their apartments or the building in general. One resident said, “The physical therapy staff always explains how what they are doing will help me. She is very nice.” He gave an example of how staff added Velcro to his grab bars for better traction when he holds onto them.



*Grab bars near sink*



*Grab bars with Velcro*



*Grab bars and an emergency pull cord*



*Wide hallways with railings*

<p><b>Any modification of the rights specified in HCBS rule under <a href="#">441.301(c)(4)(vi)(A) through (D)</a> must be supported by a specific assessed need and documented in the person-centered plan/ HCBS Rights Modification Support Plan Attachment.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input type="checkbox"/> Review of setting’s policy and procedure.</p> <p><input type="checkbox"/> Review of person’s support plan, if a rights modification is in place.</p> <p><input checked="" type="checkbox"/> N/A. No residents at this setting, enrolled in Elderly Waiver, have a need for a Rights Modification at this time.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.911</a>, “The resident's rights in section 144G.91, subdivisions 12, 13, and 18, may be restricted for an individual resident only if determined necessary for health and safety reasons identified by the facility through an initial assessment or reassessment under section 144G.70, subdivision 2, and documented in the written service plan under section 144G.70, subdivision 4. Any restrictions of those rights for people served under chapter 256S and section 256B.49 must be documented by the case manager in the resident's support plan, as defined in sections 256B.49, subdivision 15, and 256S.10.”</p> <p><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(d) A restriction of a resident's rights under this subdivision is allowed only if determined necessary for health and safety reasons identified by a home care provider's registered nurse in an initial assessment or reassessment, as defined under section 144A.4791, subdivision 8, and documented in the written service plan under section 144A.4791, subdivision 9. Any restrictions of those rights for people served under section 256B.49 and chapter 256S must be documented in the resident's support plan, as defined under sections 256B.49, subdivision 15, and 256S.10.”</p> <p><b>Narrative:</b></p> <p>There are no residents on waivers in this setting, as it is still undergoing heightened scrutiny. Rights modification forms are specific to people who use a waiver to pay for their services in assisted living. The setting was notified of the importance of documentation for rights modifications, as needed, when future residents are using a waiver to fund services.</p>	<p>Compliant</p>
--	------------------

<p><b>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure, activity calendar(s).</li> <li><input checked="" type="checkbox"/> Observations during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 256S.10, subd. 3</a>, "Each participant's support plan must: (1) include the participant's need for service and identify service needs that will be or that are met by the participant's relatives, friends, and others, as well as community services used by the general public; (2) include the use of volunteers, religious organizations, social clubs, and civic and service organizations to support the participant in the community;"</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it has been determined that St Therese of Oxbow Lake is compliant with this requirement. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter.</p> <p>Interviews with the Assisted Living Director and staff confirm that residents have many opportunities to access and participate in the community. The setting has a monthly calendar of activities, so residents are aware of what is available. These activity calendars are posted around the setting, including in the elevator. The front desk has extra activity calendars, as well as sign-up sheets for residents who want to participate in the activities. Assisted Living and Memory care have different activity calendars.</p> <p>Residents are given an assessment of their interests when they move in and give input during monthly tenant council meetings. Residents</p>	<p>Compliant</p>
--	------------------

interviewed said they are happy with the amount of community involvement that they have. One resident stated he gets out “Probably more than most, since my girlfriend picks me up all the time.” Another resident stated. “I have control on my end of what activities that I want to do.”

Some of the opportunities for residents to get into the community are trips:

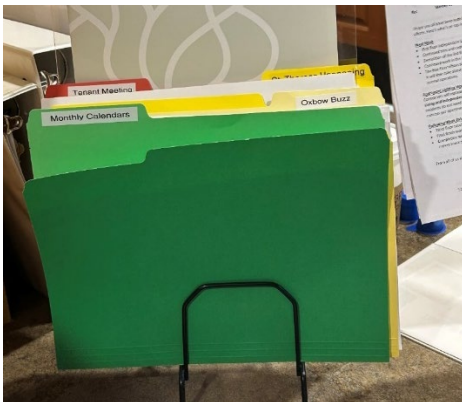
- For grocery shopping
- For thrifting at local thrift stores
- For visits to Hinckley
- To Mystic Lake Casino
- To visit local library
- To local restaurants
- To the local pharmacy
- To Community Walking Center
- For Holiday events

In addition, there are a few residents who still drive and take their cars out to various places. They sometimes take other residents with them. The residents have independently formed groups like a bridge club.

Families are very active at this setting. Family often picks up residents to attend appointments, family gatherings, and special events.

Residents like to take walks down to the bridge by the pond nearby. The setting has a pool that is used by residents but is also open to the public.

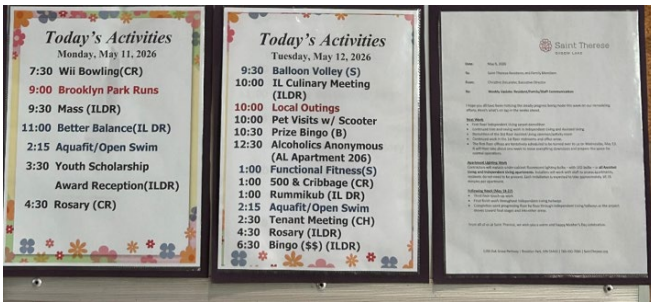
The setting has some onsite activities such as bingo, balloon volleyball, exercise classes, worship services, card games, and music classes.



*Folders with information for tenants at front desk*



Activity calendar posted in memory care



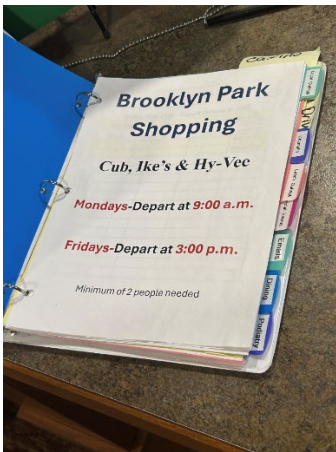
Today's activities posted in setting



Elevator with activity sheets on wall



*Binder for signing up for activities at front desk*



*Activities sign-up sheets*



*Pool in setting that public can access*



*Outdoor space for residents to enjoy*

**The setting supports the person’s control of personal resources to the same degree as individuals not receiving Medicaid HCBS.**

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting’s policy and procedure.
- State license requirement: As required under [Minn. Stat. 144G.91](#), "Residents have the right to control personal resources."
- State license requirement: As required under [Minn. Stat. 144A.479, subd. 5](#), "(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession."

**Narrative:**

Based on the validation methods reviewed above, it has been determined that St. Therese of Oxbow Lake is compliant with this requirement. An interview with the Assisted Living director confirmed that the setting does not assist residents with their personal funds.

Compliant

<p><b>The setting ensures people’s dignity and respect.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to be treated with courtesy and respect, and to have the resident's property treated with respect."</li> <li><input type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144A.44, subd. 1</a>, "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (13) be treated with courtesy and respect, and to have the client's property treated with respect;"</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement.</p> <p>Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter. A resident being interviewed was asked if they felt like staff respected them. Their answer was “Yes, they are all so nice.” Another resident said, “They listen to me and are very kind.”</p>	<p>Compliant</p>
---	------------------

<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input type="checkbox"/> Observation during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.42</a>, “The assisted living facility must comply with the requirements for the reporting of maltreatment of vulnerable adults in section 626.557. The facility must establish and implement a written procedure to ensure that all cases of suspected maltreatment are reported. And, Mn Statute 144G.63, “proper orientation and annual training is given to staff on the Vulnerable Adults Act, as well as the Assisted Living Bill of Rights and staff responsibilities related to ensuring the exercise and protection of those rights.”</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 7</a>, “Residents must be free from any physical or chemical restraints imposed for purposes of discipline or convenience.”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement. Residents receive the Assisted Living Bill of Rights, which includes this right, at intake, and it is reviewed with them annually. Staff are trained on this right during orientation and annually thereafter.</p> <p>Per policy, Assisted Living Bill of Rights and Elderly Waiver requirements, no restraints are used, and coercion is prohibited.</p> <p>During interviews, one resident said they knew where to find the information on how to file a complaint or a grievance. She said “There are boxes around the place” with the forms and instructions.</p>	<p>Compliant</p>
--	------------------



*Grievance forms at front desk*



*Box to drop grievance forms in*

**The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and procedure.
- Observation during on-site visit.
- State license requirement: As required under [Minn. Stat. 144G.91](#), "Residents have the right to individual autonomy, initiative, and independence in making life choices, including establishing a daily schedule and choosing with whom to interact."
- State license requirement: As required under [Minn. Stat. 144A.44, subd. 1](#), "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (2) receive care and services according to a suitable and up-to-date plan, and subject to accepted health care, medical or nursing standards and person-centered care, to take an active part in developing, modifying, and evaluating the plan and services
- State statutory requirement: As required under [Minn. Stat. 256S.10, subd. 3](#), "Each participant's support plan must: (4) identify the participant's preferences for services as stated by the participant or the participant's legal guardian or conservator; (7) identify specific services and the amount, frequency, duration, and cost of the services to be provided to the participant based on assessed needs, preferences, and available resources;"

**Narrative:**

Based on the validation methods reviewed above, St. Therese of Oxbow Lake is compliant with this requirement

Interviews with the Assisted Living Director and staff confirmed that residents have the right to choose how and with whom they want to spend their time, how they want their schedule, and to make their own choices. Staff are informed of changes to a person's care plan through alerts on electronic devices like phones or iPads. Staff members must sign off to confirm they have read the update. These updates include preferences for how they want to receive services, such as not waking the resident up before a certain time. A staff member interviewed stated, "They should have as many choices as possible. Can you imagine

Compliant

living a long life and then having people tell you what you can and cannot do?”

When asked if they could plan their own day and receive services in the way they want, one resident said, “Oh yeah, I’m just out doing my own thing.” Another resident gave an example of a time when staff made a change at her request. She receives housekeeping services, and she really wanted to bring her own garbage to where it needs to go. Housekeeping made the change so she can do that for herself.

Residents are encouraged to advocate for what they want, and there is a monthly tenant meeting where they can discuss issues. The assisted living director told me that one resident even had a petition signed by others regarding a complaint. The management took this seriously and responded to the resident formally, so it is clear that advocating is encouraged.

# Additional pictures of the HCBS setting



*Outdoor space in front of the building*



*Lounge area with drums they use for classes*



*Salon on site*



*Lounge area near the front door*



*Sunroom where residents can access and complete puzzles*

# Public comment summary

(Enter summary link here)

## Recommendation

<b>Date of recommendation:</b> Click or tap to enter a date.
Choose an item.