

HCBS Final Rule Evidentiary Package

Westwood



Setting information

Setting name: Westwood	ID # 204
Street address: 925 Kenwood Ave., Duluth, MN 55811	Phone: 218-279-7692
Setting website, if applicable: Westwood Assisted Living (http://www.blcduluth.org/assisted_living)	Date of site visit: 9/25/2018

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 Benedictine Health Center

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

General summary

Westwood of Duluth is an elderly housing-with-services establishment registered with the Minnesota Department of Health. Westwood is also a comprehensive home care provider and is licensed by the Minnesota Department of Health to provide certain home care services to residents of Westwood.

Westwood of Duluth is located in the Benedictine Living Community, a continuum-of-care campus that is also on the grounds of The College of St. Scholastica. [A campus map show the campus.](http://resources.css.edu/collegetcomm/map/campus-map-2013.pdf) (http://resources.css.edu/collegetcomm/map/campus-map-2013.pdf) The Benedictine Living Community campus is in the city of Duluth, in northeast Minnesota near Lake Superior. Duluth's 2016 census population was 86,293. The continuum-of-care services offered on campus include short-term rehabilitation, skilled nursing care, independent senior housing, customized living, customized living with 24-hour supervision, adult day services, outpatient therapy and preschool.

On the date of the on-site visit, Westwood served 101 people. Thirty-five people received customized living without 24-hour supervision; 21 people received customized living with 24-hour supervision and 45 people lived in independent living apartments where customized living services were not provided. Two of the people who received customized living services were enrolled in the Elderly Waiver.

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 lives in a qualified, registered housing-with-services establishment.

Customized living service definitions that support the setting requirements

Customized living (CL) and 24-hour CL services include component services designed to meet the person’s assessed needs and goals. Individualized CL services may include supervision, home care aide tasks (e.g., assistance with activities of daily living), home health aide task (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting enrollees with arranging meetings and appointments, assisting with money management, assisting participants with scheduling medical and social services and arranging for or providing transportation. If socialization is provided, it must be part of the service plan, related to established goals and outcomes and not diversional or recreational in nature.

For more details about the component services, including what is covered and distinctions between each see [Customized Living Component Service Definitions, DHS-6790H \(PDF\)](#).

(<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6790H-ENG>)

Minnesota’s Community-Based Services Manual (CBSM) provides the following requirements for customized living services:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_001787#

Prong 1 and Prong 2 settings

Meaningful distinction between the facility and HCBS setting

States must submit strong evidence that the setting presumed institutional has the characteristics of a HCBS setting and not an institutional setting.	
Determination	Summary
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>The Westwood setting is operated under the supervision of a housing director. In addition to separate director, Westwood has wellness staff, direct care staff and dietary staff separate from the skilled nursing staff. The skilled nursing facility is operated under the supervision of separate management staff. However, both the Westwood setting and the skilled nursing facility are managed by Benedictine Health System, Benedictine Sisters of Duluth, MN.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet	<p>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross-trained to meet the same qualifications as the HCBS staff; (staff training</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.)

The skilled nursing facility staff do not provide backup or coverage of direct care services at the Westwood setting. This was confirmed by the housing director.

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.)

Westwood provides various transportation options for people who live at the setting. Transportation options include:

- Setting-owned 15-passenger accessible bus
- Setting-owned seven-passenger van
- Access to public buses: Stride, Northern Access and Arrowhead Transit
- Medical transportation services
- Family members who provide transportation
- Access to three city taxi services and various rideshare services

Met

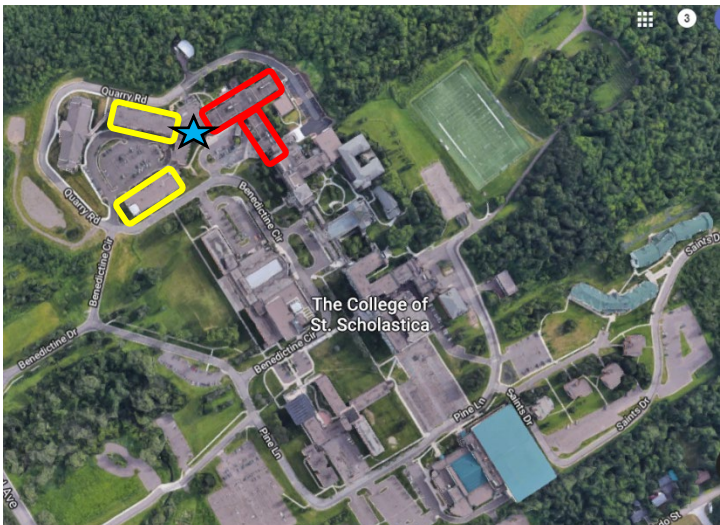
Unmet

Not applicable

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

The campus is vast and includes the College of St. Scholastica. Westwood is circled in yellow in the aerial photo below. Benedictine Health Center (skilled nursing facility) is circled in red.

The building connection is marked with a blue star. The campus beyond the skilled nursing facility includes the monastery settings and college buildings and facilities.



Community engagement opportunities and experiences

Westwood encourages people who live at the setting to maintain their independence as much as possible and desired. The setting has sign-out sheets posted by the mailboxes near the entrance of the building for residents to sign out of the building when they leave, for accountability and safety. People were observed coming and going throughout the on-site visit.



The activity director manages the activity calendar and events. The calendar is posted in a variety of places throughout the setting and people also get a copy of the calendar for their apartment. Activity schedules are also shown on TV monitors in the setting. People who live at Westwood are encouraged to share their ideas for activities at the setting or in the community at monthly tenant meetings, or any time in between meetings.

For people who choose to attend group community engagement activities, the setting's activities director also posts sign-up sheets by the mailbox area of the setting for people to indicate their choice to attend. This system is also used for people to sign up if they need a ride to a medical appointment. This alerts the staff to arrange a medical transportation ride for the individual to get to and from their appointment. People may also approach the front desk staff and ask them to call for a taxi or rideshare ride at any time.

Some examples of group community activities facilitated by Westwood include:

- Weekly grocery shopping trips every Monday
- Library trips at least monthly
- Attending Blackhatters events
- Going to luncheons
- Taking rides to look at leaves and seasons near Lake Superior
- Attended the St. Louis River Experience 11 times - The St. Louis River Experience is Duluth's newest program serving seniors. St. Louis River Experience is a local, nonprofit service organization dedicated to helping seniors experience and enjoy the St. Louis River. St. Louis River Experience volunteers take seniors, veterans and those with special needs out on a specially equipped pontoon to enjoy and take in nature's sites on excursions.



One person interviewed reported, "They keep us busy here!" She has a daughter who also provides transportation for her several times per week. She stated that her family keeps her

so busy that she usually chooses to stay in her apartment or attend a few on-site activities. Some on-site activities she said she enjoys the most are talking and visiting with different people in the Fireside room, playing bingo, attending cocktail hour, participating in sing-alongs and a group event to look at the scenery in Duluth.

It was evident in observation and interviews with people, staff and the housing director that person-centered practices are at the forefront of service delivery by:

- Respecting and honoring the things each person thinks are important and encouraging informed choice and creativity
- Supporting activities are flexible and work around the person’s preferred schedule (people are not following a “set schedule”)
- Encouraging people to share ideas and make choices about setting activities based on their own personal preferences and interests
- Ensuring people have opportunities and supports they need to be fully included in their community, individually and in groups, as desired
- Assisting people with developing meaningful relationships with other members of the community.



Crafts being made in activities room



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>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Setting submitted a compliant lease and a housing-with-services contract that included compliant HCBS rights.</p>	<p>Compliant</p>

<p>Person interviewed reported that her daughter helped her fill out paperwork and the lease upon move in.</p>	
<p>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood’s “Right To Privacy” policy states, “Upon signing of the lease, the tenant will be provided an individualized apartment, mailbox and exterior door key.”</p> <p>Westwood’s Assisted Living Housing With Services Contract & Lease Agreement states, “Landlord will furnish all keys for the Apartment Unit rented at the time of occupancy. This will include one set per authorized Apartment Unit occupant.”</p> <p>Person interviewed reported that she has a key to her apartment but rarely uses it as she does not feel the need to lock her door.</p>	<p>Compliant</p>
<p>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Setting reported on attestation, confirmed by interview, that bedrooms/units are not shared at this setting.</p>	<p>Compliant</p>
<p>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood’s Assisted Living Housing With Services Contract & Lease Agreement states, “You are responsible to furnish your apartment and the right to furnish as you choose to include linens, furniture and other household items as well as personal items.”</p>	<p>Compliant</p>



<p>Observed person’s apartment to be furnished with her personal belongings, decorations and furniture.</p>	
<p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood’s lease addendum includes, “The right to control your daily schedule, including access to food at any time.” We observed a person’s kitchen area in the apartment.</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="204 646 482 961"> <p><i>Snack area in common shared space</i></p> </div> <div data-bbox="495 646 766 961"> <p><i>Snack area in common shared space</i></p> </div> <div data-bbox="771 638 1144 882"> <p><i>Kitchen in apartment</i></p> </div> </div>	<p>Compliant</p>
<p>The setting allows people to have visitors at any time.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood’s Assisted Living Housing With Services Contract & Lease Agreement states, “Landlord is pleased to welcome all guests. We do, however, ask that your overnight guests observe a reasonable length of stay. Tenant activities are available first to all Westwood of Duluth tenants and then to guests as space is available.”</p> <p>People were observed coming and going frequently throughout the on-site visit.</p>	<p>Compliant</p>
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>People’s interest, including work interest, are included the wellness assessment the setting performs with each person. People interviewed reported they did not want to work or volunteer at this time. Staff</p>	<p>Compliant</p>

reported that there are several people who live at the setting who volunteer their time. Some examples of ways people are volunteering include:

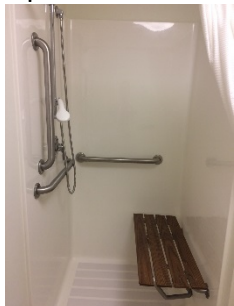
- Participating in the Hostess Committee – provide welcome for new residents.
- Participating in the Auxiliary Committee
- Coordinating and running the white elephant sales, jewelry and purse sales put on for the community by the people at Westwood.
- Working at the Daisy Shop. This is a gift shop open to the public. See pictures.



The setting is physically accessible to the individual.

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

Westwood’s Physical Accessibility Rights policy states, “Tenant has the right to access common area to include but not limited to open kitchens, dining areas, laundry and shared living spaces to the extent desired. No gates or barriers will restrict access to common space location.” We observed person’s accessibility equipment in the apartment.



Accessible shower with grab bars, bench



Wheelchair accessible sink



Raised flower garden for accessibility

Compliant

<p>The setting provides people opportunities to access and engage in community life.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>See community engagement section for more information.</p>	<p>Compliant</p>
<p>The setting supports the person’s control of personal resources.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood submitted a compliant “Handling of Client Finances and Property” policy.</p> <p>Person interviewed reported that she keeps a certain amount of funds with her. Her daughter manages the rest of her finances at her local bank.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood’s “Right To Privacy” policy states, “Upon signing of the lease, the tenant will be provided an individualized apartment, mailbox and exterior door key.” And, “Tenants are expected to respect the privacy of their neighbors.”</p> <p>Westwood submitted a “Minnesota Home Care Bill of Rights” document used to inform people of their rights. The document includes, “The right to have personal, financial and medical information kept private, and to be advised of the provider’s policies and procedures regarding disclosure of such information.”</p> <p>Observed staff knocking on doors and asking for permission to enter.</p>	<p>Compliant</p>
<p>The setting ensures people’s dignity and respect.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood submitted a “Minnesota Home Care Bill of Rights” document used to inform people of their rights. The document</p>	<p>Compliant</p>

<p>includes, “The right to be treated with courtesy and respect, and to have the client’s property treated with respect.”</p> <p>Observed staff communicating with people in the setting in a respectful manner.</p>	
<p>The setting ensures people’s freedom from coercion and restraint.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Westwood submitted a “Minnesota Home Care Bill of Rights” document used to inform people of their rights. The document includes, “The right to be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act.</p>	Compliant
<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Westwood’s Assisted Living Housing With Services Contract & Lease Agreement states, “Tenant is free to make arrangements for health-related and supportive services with the appropriate provider of Tenant’s choice, regardless of whether or not Westwood has a relationship with that provider.”</p> <p>Westwood provides optional on-site services that people may choose to use, such as elder care. It also has portable X-ray and podiatry services. The setting facilitates rides for people to their medical appointments at locations of their choice.</p> <p>Person interviewed reported that she wakes and goes to bed at any time. She likes to stay up late and is able to do so.</p>	Compliant

Pictures of the HCBS setting



Dining room where people choose seating



Dining room where people choose seating



Dining room where people choose seating



Exercise equipment



Beauty/Barber salon



Sister Mariella's Garden courtyard



Sister Mariella's Garden courtyard



Sister Mariella's Garden courtyard

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.