

HCBS Final Rule Evidentiary Package

Arbor Terrace



Setting information

Setting name: Arbor Terrace	ID # 20146
Street address: 700 2 nd Ave NW Rochester, MN 55901	Phone: 507-288-4883
Setting website, if applicable: Arbor Terrace (https://www.samaritanbethany.com/living-care-options/assisted-living)	Date of site visit: 6/4/2018

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 Samaritan Bethany Home on 8 th

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

General summary

Arbor Terrace is located in Rochester, Minnesota. Rochester is located in the southeastern part of the state in Olmstead County. It is the third largest city in Minnesota and has a population of 106,769, according to the last census in 2010.

Arbor Terrace is located in a residential area of Rochester, close to shopping, restaurants, churches and other opportunities to enjoy the community.

Arbor Terrace is located on a continuum of care campus owned by Samaritan Bethany. The campus includes customized living, including customized living with 24-hour staff, independent living, short-term rehabilitation, and a skilled nursing facility.

The customized living setting has 32 units, half of which offer 24-hour staffing to support people whole require more assistance. At the time of the visit they were serving 32 people, 3 of which were people whose services were funded through 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 resides in a qualified, registered housing with services establishment.

Customized living service definitions that support the setting requirements

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

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

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

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

[CBSM page on Customized Living](#)

(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>There is one Chief Executive Officer that oversees both the customized living and the nursing facility. However, the customized living setting has a dedicated administrator, as well as their own staff of nurses, certified nursing assistants and housekeeping staff. There is clear distinction between the settings.</p>

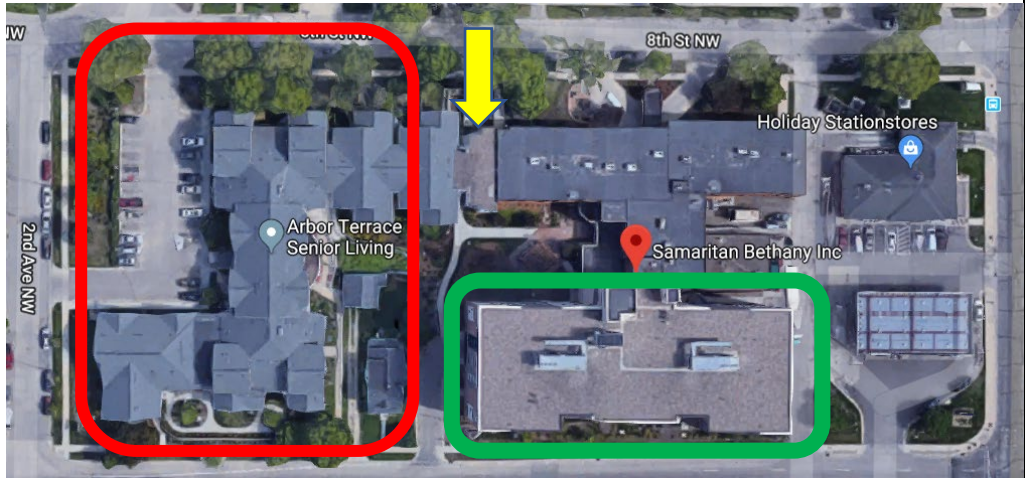
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross-trained to meet the same qualifications as the HCBS staff; (staff training 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>There are no staff that work in both the nursing facility and the customized living. This was confirmed by both the administrator and the staff interviewed.</p>
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<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<div data-bbox="427 674 1101 1230" data-label="Image"> </div> <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; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>People living at Arbor Terrace have access to two vans owned by the setting, as well as community volunteer drivers, public taxis, a public Dial A Ride service, as well as public bus routes. In addition, many families will provide transportation while visiting or taking their loved ones places.</p>
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The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.

The customized living setting, outlined in red, is separate from the nursing facility, outlined in green. There is separate signage and designated entrances. The two settings are connected by a long hall in the basement. The customized living setting is also connected via a hallway to the short term rehabilitation facility shown by the yellow area below.

- Met
- Unmet
- Not applicable



Community engagement opportunities and experiences

Upon entering the setting, people were coming and going and it seemed to be a bustling place. Arbor Terrace offers many opportunities for people to stay engaged in their communities. They have a “resident forum” where people can give input on the kinds of activities and experiences they would like to have, as well as other aspects of their experience at the setting. They are made aware of the opportunities that they can choose from through calendars that are distributed, as well as posters around the setting. There is calendars at the front desk, as well as staff to assist them with signing up for activities if they need assistance. Staff also assists them with setting up rides for other activities they want to do in the community independently. Some examples of community activities offered are:

- Sporting events (one person interviewed said this was their favorite!)
- Going out to eat at local restaurants
- Trips to the local community center
- Shopping trips
- Trips to the parks
- Walks in the neighborhood
- Movies at the theaters
- Plays at the local playhouses
- An activity called “Thursdays on First.”

Many of the people still go out on their own to family activities, trips to the beauty parlor, shopping, trips to restaurants, church and appointments of varying kinds.

There are onsite activities such as crafts, bingo, dice and card games, music from community musicians that come to play, gardening, religious services, and educational talks.



The setting has several groups that have been formed by the people living there, including a card club, which gets together regularly to play.


The setting also has a Pub and café area on the first floor where people can mingle with each other and other community members during Happy Hour on Fridays.

In addition, there are school children that come in from the local daycare to visit.

HCBS characteristics

<p>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.</p>	
<p>HCBS Rule requirement</p>	<p>Compliance status (Please select)</p>
<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>Arbor Terrace submitted an HCBS compliant lease template. In addition, when interviewed, people indicated that they had a lease in place.</p>	<p>Compliant</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>Each person has a lock on their door. People using their keys to get into their apartments was observed. When asked if the setting respects their privacy, people living there said that they are good about respecting privacy, always knocking and waiting to come in.</p>	<p>Compliant</p>
<p>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Not applicable. This site does not have shared bedrooms, except when the person chooses to share their room with a spouse, partner or friend of their choice.</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>While interviewing people in their apartments, observations were made of personal items such as pictures and decorations which were their own and expressed their interests. When interviewed, people said they could decorate however they wanted.</p>	<p>Compliant</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>When asked, people felt they controlled their own schedule and were able to “do things when I want to do them”. People living there said they were able to have a plate saved for them if they were going to miss a meal time, as well as access the food stored in their own apartments as desired. Staff interviewed said there is always food such as snacks, cereal, sandwiches and fruit in the common kitchen areas.</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="186 1255 643 1646">  <p><i>Common Area kitchen 1</i></p> </div> <div data-bbox="643 1255 1144 1646">  <p><i>Kitchen in their unit 1</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>People interviewed said they could have visitors any time. The front door is open during the day, and people who wish to visit after the doors are locked at night can be buzzed in by the person they are visiting. There is a room that they can use for family gatherings if they want a private space. This space is comfortable and private.</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>Per interviews with administrators and staff, there is no one who lives in the customized living setting that is still employed. However, if someone were to want that, they would be flexible to support that desire.</p>	<p>Compliant</p>
<p>The setting is physically accessible to the individual.</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>This setting has a reasonable accommodation policy: This states: <i>“When necessary to provide them with equal use and enjoyment of a home, we make Reasonable Accommodations and Modifications”</i>. There is also clear instructions on how staff should handle any requests from people for an accommodation.</p> <p>Observed grab bars in the bathrooms, elevators, wide hallways and wheelchairs at the front door to be used by people as needed. No barriers to accessibility were observed.</p>	<p>Compliant</p>

<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. Per interviews with staff, some services such as portable X-rays, PT/OT and speech therapy are offered on site, but people have the choice to see other providers in the community. People interviewed confirmed that they use their own providers if they desire.</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 type="checkbox"/> Observation made during on-site visit</p> <p>Not applicable, as this setting does not provide money management services.</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>This setting uses the Minnesota Department of Health Bill of Rights to notify people of their rights, which includes: <i>“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.”</i></p> <p>Observed staff knocking on doors before entering, and people interviewed felt that staff respected their privacy.</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>This setting uses the Minnesota Department of Health Bill of Rights to notify people of their rights, which includes: <i>“The right to be treated with courtesy and respect, and to have the client’s property treated with respect.”</i></p>	<p>Compliant</p>

<p>I saw staff at all levels treating people with dignity and respect. While speaking with the administrator, a person asked to speak with her. The person had a question about when she could move to the assisted living building and the administrator patiently told her about the process and assured her it would happen as soon as possible. I also saw the housekeeping staff stop what they were doing to help and redirect someone. The people interviewed stated very emphatically that the staff were great to them and they felt cared for.</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>This setting uses the Minnesota Department of Health Bill of Rights to notify people of their rights, which includes: : <i>“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.”</i></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>People interviewed said they felt they had choice in their schedule. One person said she feels like she can do “as she pleases”. People living at Arbor Terrace can go to the front desk at any time for assistance in setting up transportation for whatever activities they want to attend independently. There was a rich offering of varied activities to choose from. There was a card club that was independently formed by people living there, and members rotate as interests or availability changes.</p>	Compliant

Pictures of the HCBS setting



Entryway sign with water



Dining room

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.