

# HCBS Final Rule Evidentiary Package

## Auburn Courts



### Setting information

Setting name: Auburn Courts	ID # 20425
Street address: 501 North Oak St. Chaska, MN 55318	Phone: 952-448-9303
Setting website, if applicable: <a href="https://www.auburnhomes.org/auburn_courts.php">Auburn Courts</a> ( <a href="https://www.auburnhomes.org/auburn_courts.php">https://www.auburnhomes.org/auburn_courts.php</a> )	Date of site visit: 5/18/2018

### 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 Auburn Manor

## General summary

Auburn Courts is a Housing With Services setting that provides customized living services in Chaska. Chaska is located in south central Minnesota, and has a population of approximately 25,199. Chaska is a suburb of the Minneapolis Twin Cities metropolitan area. Auburn Courts is a continuum of care campus and offers customized living, memory care, independent living and skilled nursing through the nursing facility, Auburn Manor. These services are all provided in settings in close proximity to each other. The setting is in a residential neighborhood with businesses and churches close by.

They are licensed for 55 rooms, currently serving 57 people in the setting, 23 people are receiving customized living services funded by the Elderly waiver. The other 34 have other payers, including private pay.

## 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/id\\_001787](http://www.dhs.state.mn.us/main/id_001787))

## Prong 1 and Prong 2 settings

### Meaningful distinction between the facility and HCBS setting

**States must submit strong evidence that the setting presumed institutional has the characteristics of a HCBS setting and not an institutional setting.**

Determination	Summary
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p>The assisted living and memory care have different leadership than the nursing facility. They are operated separately, and each setting has its own activity coordinator.</p>

<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross-trained to meet the same qualifications as the HCBS staff;</b> (staff training materials that speak of the need to support individuals’ chosen activities), (person centered planning) (the staff is trained specifically for home and community-based support in a manner consistent with the HCB settings regulations.)</p> <p>Nursing facility staff do not provide services or coverage in the customized living setting. If that happened in the future, that person would be trained for each facility separately</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options;</b> (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p>  <p>Transportation used by the people receiving services in this location is done by various transportation options. These include public transportation such as the Southwest Transit bus, Smart Link (a local intercommunity transit option), and Metro Mobility. I observed a Metro Mobility vehicle when I drove up to the setting. In addition to public transportation, there is a company called Water’s Edge that does non-emergency transportation. The facility also has its own accessible transportation. They have a health unit coordinator that helps plan transportation. People receiving services said that staff help them set up rides when they ask.</p>

- Met
- Unmet
- Not applicable

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

The entrance to the nursing facility and assisted living is through a lobby area. From inside the lobby, there is two separate hallways branching off. One hallway leads to the nursing facility and the other hallway leads to the assisted living area. There is signage to point to each of the settings. The photo on the left is the hallway to the nursing facility, the middle is the hallway to the customized living and on the right is the signage showing people which way to which setting.



## Community engagement opportunities and experiences

Auburn Courts offers opportunities for community experiences for the people who receive services through their setting. The setting is close to downtown Chaska, where there are many businesses and social opportunities. People are asked about their interests when they move in, and will tell staff when they have ideas for activities they would like to try. The setting facilitates a monthly meeting called “Resident Voice” where people can also give input. People get calendars for the monthly activities, and daily offerings are posted. There are T.V. monitors that also show this information throughout the building. Some examples of community experiences this setting has offered include:

- St. Croix paddleboat cruises
- Fishing trips
- Shopping trips
- Eating out at local restaurants
- Historical site visits
- Trips to the Old Log Theatre
- Visits to art galleries
- Drives to the arboretum
- Dinner and plays at the Chanhassen Dinner theatre.

There are activities on-site, such as exercise, worship services, crafts, bingo, card and dice games and music.

The setting offers an outside courtyard which people can access as they like. People receiving services often access the community with family or friends.

Some people also go on their own to do their banking, attending church, go to parks or do their shopping independently. There is an independent living apartment building next door which has offered its fitness center for the people living at Auburn Courts free of charge.

The Chaska library comes in to refresh their library books monthly to keep their offerings fresh for people who like to read for leisure.

One of the people receiving services said “There is always something going on around here”. She said she knows what she likes and said “I know who I am. I can go or I can stay. It’s my choice”.

## HCBS characteristics

<p><b>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.</b></p>	
<p><b>HCBS Rule requirement</b></p>	<p><b>Compliance status (Please select)</b></p>
<p><b>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Auburn Courts submitted a lease that is compliant with the requirements of the HCBS rule. People receiving services interviewed indicated that they had a lease.</p>	<p>Compliant</p>
<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>There were locks on all the doors and people were observed using their keys to enter their apartments.</p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Auburn Courts has a policy on shared suites, and that the person has a right to help choose their roommates.</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><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 receiving services, they had their own personal items in their apartment and also indicated that they had freedom to decorate as they choose. One added that she “loved having her antiques” in her apartment. The setting also had shadowboxes that people were able to personalize near their apartment door.</p>	<p>Compliant</p>
<p><b>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Besides the scheduled meals, they have the Garden Café which is open from 7 a.m. to 2:00 p.m. as another option. Each floor has a parlor area where there is fruit and ingredients to make sandwiches at any time. People can store food in their apartments as well. The people receiving services indicated that they feel they can schedule their days as they wish and one said “You will never go hungry here!”</p>	<p>Compliant</p>
<p><b>The setting allows people to have visitors at any time.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>People interviewed said they knew they could have visitors at any time.</p>	<p>Compliant</p>
<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Although there are no people receiving services working at this time, staff indicated they could provide support for people’s work schedules, like packing their medications, adjusting times for personal care and providing assistance as needed for someone going to work. One of the residents interviewed said they used to farm but said they aren’t interested in working at this time.</p>	<p>Compliant</p>



<p><b>The setting is physically accessible to the individual.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>No barriers were observed at the setting to people accessing all areas. People receiving services stated in their interviews that they had no issues getting around the building or in their apartment.</p>	<p>Compliant</p>
<p><b>The setting provides people opportunities to access and engage in community life.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>There are services like music therapy, occupational, speech and physical therapy, dental and medical offered on-site. People are told at intake about their options to have community providers. The people receiving services interviewed said they love having the provider come to the setting but they know they can use who they prefer.</p>	<p>Compliant</p>
<p><b>The setting supports the person’s control of personal resources.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>People are able to access their personal resources. There is a policy that staff are trained on, and people are told of this right upon move in.</p>	<p>Compliant</p>
<p><b>The setting ensures people’s right to privacy.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Observation were made of staff knocking before entering a person’s apartment and waiting for a response. The people receiving services indicated that they felt that they had privacy.</p>	<p>Compliant</p>

<p><b>The setting ensures people’s dignity and respect.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>Observations between staff and people receiving services was respectful. The staff were friendly and seemed to really listen to the people in the observed interactions.</p>	<p>Compliant</p>
<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>The setting policies state that restraints or restrictive devices are not utilized at the setting. Vulnerable Adult policies are in place and staff receive training on this topic.</p>	<p>Compliant</p>
<p><b>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>When I asked the people receiving services if they got to choose their own schedules, they indicated that they controlled their schedule. They didn’t feel they had to do things at certain times, with the exception of meds.</p>	<p>Compliant</p>

# Pictures of the HCBS setting

*The exterior of the building and the Cafe*



*Patio view and a photo of the front entrance*

## 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.**