

HCBS Final Rule Evidentiary Package

Bethany Senior Living Apartments



Setting information

Setting name: Bethany Senior Living Apartments	ID # 30420
Street address: 1935 South 7 th St, Brainerd, MN, 56401	Phone: 218-829-1407
Setting website: Bethany Senior Living Apartments (https://www.good-sam.com/locations/bethany)	Date of site visit: 8/6/2018

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 checked="" 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 Bethany Care Center

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

General summary

Bethany Senior Living Apartments is located in the city of Brainerd, in Crow Wing County, about 130 miles north of Minneapolis, Minnesota. Brainerd had a population of 13,592 people in 2010.

Bethany Senior Living Apartments, the customized living setting, is a part of a continuum of care campus called Bethany, which includes a short- and long-stay nursing facility and therapy services. At the time of the provider's attestation, the customized living setting served 37 people, including 15 people supported by public HCBS waiver programs.

The continuum of care campus is owned and operated by Good Samaritan Society, a faith-based nonprofit organization.

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#)

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>Bethany Senior Living Apartments, the customized living setting, has its own managers who oversee housing and nursing services in the setting. The managers in the customized living setting report to an overall administrator of the campus, but run the day-to-day operations of the setting separately. The customized living is financially connected to the wider care campus, but the setting also manages some of its financial decision-making at the program level.</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>All staff who work in the setting receive all required HCBS training. Direct care staff from the nursing facility work in the HCBS setting very occasionally, filling a whole shift. Staff from the nursing facility complete all required HCBS trainings before working in the setting.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<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>In addition to the setting’s program van, people in the setting have several other transportation options, including: their own vehicles, family and friends, county transit, and local taxi services.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</p> <p>Bethany Senior Living Apartments, the customized living setting, is separate from the nursing facility on the campus. It is on the same city block, but has a very different building style, has its own main entrance, signage, and parking area. The setting is connected by a hallway to the nursing facility. In the image below, the setting is marked by a red map marking pin. The extensive care campus is shown to the right of the setting.</p>



Community engagement opportunities and experiences

Bethany Senior Living Apartments plans and oversees its own community engagement opportunities separate from the adjacent nursing facility. However, people living in the setting are also welcome to participate in any offerings provided through the adjacent care facility.

People served in the setting provide input on community engagement opportunities through interest assessment forms at admission, monthly tenant meetings, and through direct communication with staff. People in the setting learn about opportunities through an activity calendar, a bulletin board, a daily list on a white board, and announcements at meal times.

Community engagement opportunities in the wider community include:

- Grocery and shopping trips
- Restaurant outings
- Town festivals and community events
- Fishing trips and other seasonal activities

Many people living in the setting also make trips into the community on their own, or with the support of family and friends or community transportation providers. These outings include:

- Running errands
- Faith community events
- Family get-togethers

The customized living setting also offers a wide array of activities on-site, including: exercise classes, music-making and arts and crafts, Bible studies and book groups, special celebrations and parties, and a variety of games.

The care campus has a large and beautiful courtyard and garden area, which includes gardening space for people living in the setting.

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
<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>A compliant lease agreement was submitted with the provider attestation. A person interviewed in the setting confirmed that she is living in the setting under a lease agreement that was provided to her.</p>	Compliant
<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>Locks were observed on living unit doors in the setting. The setting is set up much like a standard apartment building.</p>	Compliant
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>People living in this setting only share a living unit if they desire. People who share a unit generally share it with a spouse or partner. A person interviewed in the setting does not share her living unit.</p>	Compliant

<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>It was observed that living units were decorated as people desired. A person interviewed in the setting had her living unit decorated as she preferred.</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>A manager interviewed during the site visit confirmed that the setting works with the people they serve to accommodate their personal schedules and preferences.</p> <p>The community dining space in the setting was observed to have food and drink options available between meals. All living units also have kitchens for storing and preparing food.</p> <p>A person interviewed in the setting confirmed that staff accommodate her scheduling preferences. She also confirmed that she has options for food between meals.</p>	<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>The setting allows visitors at any time according to the preferences of the people living in the setting. A person interviewed in the setting confirmed that she and her guests can come and go as they please, at any time of day.</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>Staff interviewed in the setting were not aware of people living in the setting who were still employed, but people in the setting do have</p>	<p>Compliant</p>

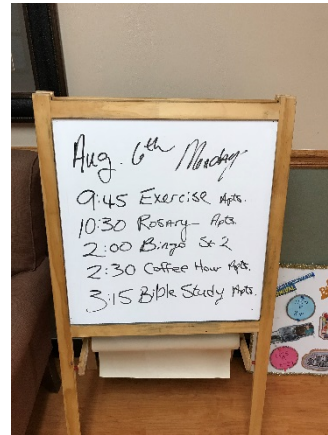
<p>regular volunteer commitments. The staff person said that they adjust service delivery and meals to accommodate peoples' schedules.</p>	
<p>The setting is physically accessible to the individual.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The building was observed to be accessible. A person interviewed said that she finds the building and her unit accessible, which is important her since she use a wheelchair. The building manager confirmed that there is a process in place to address requests for reasonable accommodations.</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>Attestation documents and the site visit showed that the setting supports a number of community engagement opportunities for people in the setting, offered on-site and in the wider community.</p> <p>A person interviewed in the setting stated that she gets into the wider community, but her health keeps her from getting out as often as she would like. The manager said that the person had been supported by staff and volunteers to get out into the wider community.</p> <p>A person interviewed in the setting had chosen to receive therapy services on-site, but she receives most of her medical care outside the setting.</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>The setting's attestation is compliant on this right. A person interviewed in the setting explained that she manages all of her own personal resources.</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>A person interviewed in the setting said that her privacy is respected by staff and others living in the setting.</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>During the site visit, staff were observed treating people with dignity and respect. During the building tour one of the managers and a direct care staff offered to assist people in the setting with wheel chair wheeling and passing through interior and exterior doors.</p>	<p>Compliant</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>Staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act. A copy of the Home Care Bill of Rights is also given to people to inform them of their right to be free from coercion and restraint.</p>	<p>Compliant</p>
<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>A person living in the setting said she was free to lead her life, day to day, as she likes.</p>	<p>Compliant</p>

Pictures of the HCBS setting



Dining area with food and beverage options between meals



Sign with list of daily activities



Community activity bulletin board, including sign-up sheets for rides to area amenities

Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from April 30, 2019, to June 9, 2019, before submitting settings to the Centers Medicare & Medicaid Services (CMS) for heightened scrutiny.

We sought public comments using the following methods:

- Evidentiary packages posted online on the [Home and Community Based Services Rule transition plan page](#)
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [May 10, 2019, eList announcement](#)
- Notification to lead agencies via regional resource specialists
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via email
- Notification to long-term care ombudsman office via email
- Disability Hub MN virtual insight panel.

Minnesota's recommendation

Date of recommendation: 7/1/2019

Minnesota supports that this setting overcomes the institutional presumption and meets the requirements of a home and community-based setting. Provider is required to maintain on-going compliance with all HCBS requirements.