

# HCBS Final Rule Evidentiary Package

## Ecumen North Branch



### Setting information

Setting name: Ecumen North Branch	ID # 30638
Street address: 5379 383 <sup>rd</sup> St., North Branch, MN 55056	Phone: 651-237-3000
Setting website, if applicable: <a href="http://www.ecumenNorthBranch.org">Ecumen North Branch</a> ( <a href="http://www.ecumenNorthBranch.org">http://www.ecumenNorthBranch.org</a> )	Date of site visit: 2/27/2018

### 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 Ecumen Care Center

## General summary

Ecumen North Branch is a customized living setting on the Ecumen North Branch Senior Living Community campus. North Branch is a suburb located in southeastern Minnesota and has a population of approximately 10,100 people. The campus offers customized living, memory care, short-term rehabilitation and skilled nursing services in the nursing facility. The campus is centrally located, close to banks, shopping, restaurants and the local movie theater.

The customized living community has 51 apartments. The memory care community has 20 units. Of the people who receive services, 14 use the Elderly Waiver, with the rest being 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 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 [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#](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 an 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>Ecumen North Branch and Ecumen Care Center (the nursing facility) operate as separate facilities. They have different director-level staff for the customized living and memory care areas, as well as separate nursing directors and activity coordinators.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet	<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),</p>

<input type="checkbox"/> Not applicable	<p>(person-centered planning) (the staff is trained specifically for home and community-based support in a manner consistent with the HCBS settings regulations.)</p> <p>The administrator stated that there are no staff that work both in the nursing facility and the customized living.</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>People living at North Branch have several transportation options available. There is a Heartland Express bus that runs every 45 minutes during business hours. It goes into downtown North Branch, including the outlet mall. People take medical transportation for appointments. Parmly is a private pay option transportation service available. Family often transports people to appointments. The front desk has a handout with the transportation options and phone numbers, and also provides assistance as necessary. This information is also given to them at intake.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</b></p> <p>There is clear separation between Ecumen North Branch and the Ecumen Care Center. Upon entering the building, you enter the common area, called the "Town Center." There is a hallway to your left that leads to the nursing facility. To the far right is a different hallway leading to the memory care and customized living apartments.</p>

## Community engagement opportunities and experiences

Ecumen North Branch has opportunities for people to stay engaged and involved in their community. The setting is close to restaurants, shopping, banks and a movie theatre with public transportation readily available. People who receive services are asked to share their desired activities and interests. They also discuss activity options at the Resident Council meetings. There are monthly calendars distributed. These calendars are also posted on bulletin boards. The setting coordinates community experiences, including:

- Fishing
- Twins games
- Lunch outings to local restaurants
- Movies in the Park
- Shopping at the outlet mall or The Dollar Store
- Seasonal outings, such as fall leaves and holiday lights
- Casino trips

There are daily activities offered at the setting as well. Some examples include bingo, an artist who visits, baking and cooking classes, various crafts and card games.


The setting also has a large patio area, garden and walking paths. The community accesses these outdoor amenities during nice weather. The setting offers three-wheeled bicycles that may be used to access the outlet stores.

People go into downtown North Branch on their own, as well as take walks or the Heartland Express bus to go shopping. There is strong family involvement at this setting. Family comes often to visit and take people to appointments, family gatherings and activities such as dining out or shopping.

Local high school students volunteer to assist with activities.

## 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>Ecumen North Branch submitted a lease that is compliant with the requirements of the HCBS rule. People who receive services interviewed indicated 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>Both the memory care units and the customized living units have locks on the doors. People interviewed said they have locks on their apartment doors but don't always use them. People were observed using their keys to enter their apartments.</p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her 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>Not applicable. This setting does not provide shared bedrooms.</p>	<p>Compliant</p>
<p><b>The setting provides people with the freedom to furnish and decorate their bedrooms and living units 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>Compliant</p>

<p>While touring the setting and also during the interviews with people who live there, personal items were observed in the individual apartments. In addition, they had a curio cabinet in the common area that allowed people to showcase their personal collections and interests on a rotating basis.</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>There is a table in the common area where packaged snacks, fruit and coffee are available at all times. People who receive services use this any time they want a snack. They also have full kitchens in their units. When asked about how their schedules are</p>  <p>determined, one person who lives there said, “I tell them and then they help me make it happen.” Staff and people who receive services said that if it is known that people won’t be there for a meal, their food can be saved for them to eat later when they return.</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>During the onsite visit, people were seen visiting in common areas. People who receive services who were interviewed said 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>Compliant</p>

<p>None of the people who receive services are employed. However, the administrator stated that if someone wanted to work, the facility could be as flexible as needed to support his or her employment.</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. One person who lives in the setting indicated there is “no problem getting around here.”</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 no medical services offered through the customized living or memory care setting. People who receive services go to their own doctors.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>This setting does not provide money-management functions for people, according to policy and interview with administrator.</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>Staff were observed knocking before entering an apartment. When asked if the staff respected their privacy, one person who receives services answered, “Oh yes, always!”</p>	<p>Compliant</p>
<p><b>The setting ensures people’s dignity and respect.</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>Compliant</p>



<p>Staff were observed being very respectful with people, calling them by their first names and listening to them.</p>	
<p><b>The setting ensures people’s freedom from coercion and restraint.</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>The setting policies state that restraints or restrictive devices are not used at the setting. Vulnerable adult policies are in place and staff receive training on this topic.</p> <p>The setting has a memory care unit and has keypad locks to outside doors. People may leave the setting by asking a staff person to enter the code. People who do not require constant supervision take walks outside the facility without staff, if indicated in their support plans.</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> <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 interviewed, people who receive services stated that they were able to choose when to wake up in the morning, when to get their personal cares taken care of and what activities to participate in.</p>	<p>Compliant</p>

# Pictures of the HCBS setting



Sitting areas



The chapel

## 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.**