

HCBS Final Rule Evidentiary Package

Fair Oaks Lodge Apartments



Setting information

Setting name: Fair Oaks Lodge Apartments	ID #351
Street address: 201 Shady Lane Drive, Wadena, MN 56482	Phone: 218-631-1391
Setting website, if applicable: Fair Oaks Lodge Apartments (https://fairoakslodge.org/)	Date of site visit: 7/30/2018

Waiver service type

Waiver service	Service type:
<input type="checkbox"/> Alternative Care (AC) <input checked="" type="checkbox"/> Elderly Waiver (EW) <input checked="" type="checkbox"/> Brain Injury (BI) <input checked="" type="checkbox"/> Community Access for Disability Inclusion (CADI) <input checked="" 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 Community Behavioral Health Hospital

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

General summary

Fair Oaks Lodge Apartments is located in Wadena, a city in Otter Tail and Wadena Counties, Minnesota. Wadena is located approximately 90 miles northwest of St Cloud, Minnesota, and 90 miles east of Fargo, North Dakota. The population was estimated at 4,088 per census data in 2010. Fair Oaks Lodge Apartments is located in a rural and residential neighborhood, just off the main highway through town. It takes approximately three minutes to drive to the main business district of Wadena.

Fair Oaks Lodge Apartments is a customized living setting with 32 apartment units. At the time of the site visit, the setting served two people supported by a home and community based waiver program and 22 people supported by other funding sources.

The customized living setting is located on a campus that includes Fair Oaks Lodge Nursing Home, a skilled nursing facility. Fair Oaks Lodge Nursing Home provides skilled nursing and short-term rehabilitation services. Fair Oaks Lodge Nursing Home and Fair Oaks Lodge Apartments are owned and operated by Eden Senior Care, a private corporation based in Illinois.

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).
(<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:

[Community Based Services Manual customized living service requirements page](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>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>Fair Oaks Lodge Nursing Home and Fair Oaks Lodge Apartments have the same administrator, but Fair Oaks Lodge Apartments has a separate budget and day-to-day operations management. Fair Oaks Lodge Apartments has a dedicated RN who serves as the housing manager and dedicated home health aides that provide services to the residents. Activities are planned by customized living staff and the setting has its own activity program and calendar. Customized living residents may attend activities and events at the nursing facility.</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.</p> <p>Administration reported that all staff that work in the customized living setting are trained specifically for home and community-based support in a manner consistent with the HCBS settings regulations. Administration confirmed that nursing facility staff are not scheduled to work with people at the customized living setting on the same shift.</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.</p> <p>Fair Oaks Lodge Apartments is located in a rural area with limited public transportation. Residents use Friendly Rider, which provides publicly funded transit service in Wadena County and surrounding areas, including Wadena. Some residents enrolled in managed care services may utilize BlueRide services to travel to medical appointments covered under waiver programs. Private regional transportation services, such as Peoples Express are also utilized for routine or medical appointments in the surrounding area. People at the setting also use taxis, community volunteer drivers, family transports, and their own vehicles for transportation needs. Transportation options are posted on community bulletin boards and in the setting’s resident handbook.</p>

- Met
- Unmet
- Not applicable

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

Fair Oaks Lodge Apartments provides services in a space that is distinct from the space used by the nursing facility. Customized Living services are provided in a separate building of the larger complex, connected via an indoor walkway with inside signage indicating the separation. The setting has a separate outside entrance from the other settings. In the picture below, the Fair Oaks Lodge Apartments is outlined in yellow, and Fair Oaks Lodge Nursing Home is outlined in red.



Interior signage directing to Fair Oaks Lodge Apartments



Aerial view of Fair Oaks Lodge campus

Community engagement opportunities and experiences

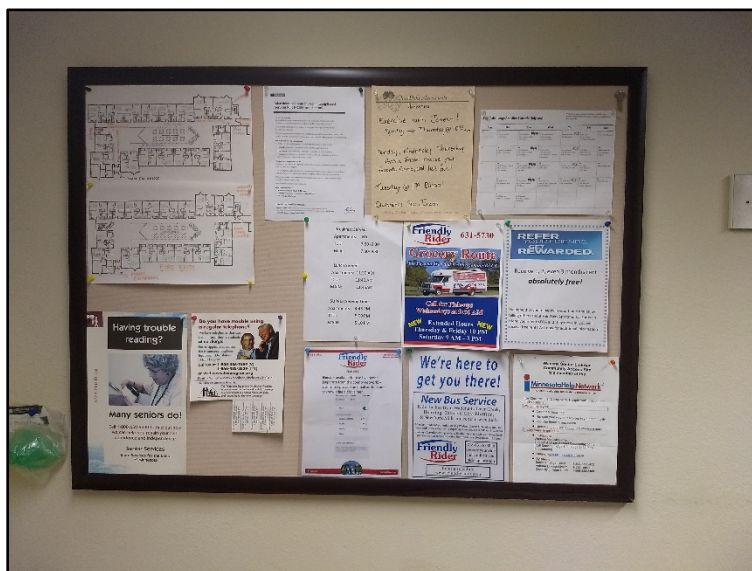
Community engagement is formally supported by setting staff through setting activities and also more informally by family and friends from the greater community. Administration staff reported that they survey residents to obtain their personal preferences, and that they support the residents' choice in choosing their activities and schedules. Activities are tailored with feedback from people who live at the setting, through resident council meetings, discussions with people, and by obtaining resident preferences during admission and at regular health assessments.

People are notified of community activities through a calendar of community events, flyers, and staff reminders. These may include:

- Shopping trips
- Farmers market outings
- Picnics and community events
- Seasonal tours of the area
- Holiday events in town.

People living at the setting also have the option to go out on their own, with family and friends, and by using regional public and private transit and volunteer drivers. These trips include:

- Family events
- Meals at local restaurants
- Church services and events
- General errands and shopping
- Community holiday events.




Community bulletin board with activity calendar and announcements

The setting provides an activity calendar for people to participate in at the setting which also includes activities taking place in the nursing facility. People are also informed of on-site activities through bulletin board announcements and staff announcements and reminders.

Examples of on-site activities include live music performances, exercise group, crafts, games, social hours, such as coffee socials, trivia, birthday parties, and faith activities.

People living at the setting have the option to choose not to participate at any time. Per staff and residents, they are offered alternative times or activities or are free to participate in activities of their choosing.

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 type="checkbox"/> Observation made during on-site visit</p> <p>The setting provided a HCBS compliant lease agreement as documentation through the provider attestation process.</p>	Compliant
<div style="text-align: center;">  </div> <p style="text-align: center;">Lockable door to living unit</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>Locks were observed on all unit doors in the setting. Residents stated that they use the locks when they go out of the setting for extended periods.</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>Staff reported that people in the setting do not share rooms unless they share with a spouse, partner, or other person of their choice.</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> <div data-bbox="207 716 797 1461" data-label="Image"> </div> <p>Personalized decorations at entrance to living unit</p> <p>The lease allows people in the setting to decorate and personalize their living units. Living units were observed during the site visit and were decorated according to the residents' tastes and preferences, including family pictures and memorabilia, crafts and decorative items, and religious iconography. At the site visit it was observed that many people put up personalized decorations in the entrance to their living units.</p>	Compliant

The setting provides people the freedom and support to control their daily schedules including access to food at any time.

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



Full kitchen in living unit

Staff and residents confirmed that people living at the setting have the freedom and support to control their own schedules, specifically waking up and going to bed, coming and going to and from the setting, and eating when they would like. Each living unit at the setting is equipped with a full kitchen and residents reported that they store food in their pantry and refrigerator.

One resident was having homemade snacks at the time of the interview. Another resident said that she “has plenty to eat” in her apartment, and decides on her own what she does during the day.

Compliant

The setting allows people to have visitors at any time.

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

Staff confirmed that people living at the setting may have visitors at any time. During the site visit, residents and visitors were observed coming and going to and from the setting.

Residents also stated during interviews that they may have visitors at any time.

Compliant

<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>Staff stated that the setting currently has one resident who works part time at a local food pantry. Staff confirmed that they accommodate residents who wish to work by coordinating transportation as needed, helping the person get ready for work, and providing a flexible service schedule. Staff reported that they save meals or provide a packed lunch depending on residents' needs.</p>	<p>Compliant</p>
<p>The setting is physically accessible to the individual.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <div data-bbox="207 800 683 1436" data-label="Image"> </div> <p style="text-align: center;">Accessibility accommodations in bathroom</p> <p>Common spaces and living units were observed to be accessible to people living at the setting. People who live at the setting indicated that all living areas and common areas were accessible to them. Staff indicated that they accommodate people living at the setting to provide additional accessibility accommodations to living units, i.e., grab bars in bathrooms and living areas.</p>	<p>Compliant</p>

The setting provides people opportunities to access and engage in community life.

Compliant

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



Farmers' market announcement posted on wall

The setting supports opportunities to access and engage in community life. Practical activities, such as errands and medical appointments are supported, as well as personal engagement, such as social and family outings, faith-based activities, and meals in the community.

The staff provide information and resources on transportation options to access the greater community. Staff assist people to arrange transportation as needed and many people arrange their own transportation. Staff confirmed that 6 people at the setting drive their own cars.

Activities are tailored with feedback from people who live at the setting, through resident council meetings, discussions with people, and by obtaining resident preferences during admission and at regular health assessments.

Administration staff confirmed that people living in the setting are informed of their right to choose any medical provider through the admission process and the Minnesota Home Care Bill of Rights. Staff and residents confirmed that there are no restrictions for people wishing to switch to a new provider.

<p>The setting supports the person’s control of personal resources.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The setting does not provide money management services, and staff and residents confirmed that people living in the setting have full control over their personal finances.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Staff are trained to respect the privacy of people living at the setting through HCBS settings rule training and the Minnesota Home Care Bill of Rights. During the site visit, staff were observed knocking on people’s living unit doors to obtain 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 <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Staff are trained to ensure the dignity and respect of people living at the setting through HCBS settings rule training and the Minnesota Home Care Bill of Rights. During the site visit, staff were observed addressing people by their chosen names, and people living at the setting were dressed in clothing of their choosing.</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 <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Administration confirmed that staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act.</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 <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>People in the setting were observed to lead their own lives and plan their own daily schedules, coming and going as desired, and arranging their days as they would like. Staff confirmed that customized living services accommodate the schedules of the people served in this setting.</p>	<p>Compliant</p>

Pictures of the HCBS setting



Residents' mailboxes



Community and dining area in Atrium of Fair Oaks Lodge Apartments



Resident parking area with signage and residents' cars

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.