

# HCBS Final Rule Evidentiary Package

## Heritage Cottage on 5th



### Setting information

Setting name: Heritage Cottage on 5th	ID # 26535
Street address: 615 W. 6th St. Park Rapids, MN 56470	Phone: 218-732-3329
Setting website, if applicable: <a href="http://www.heritageparkrapids.org">Heritage Cottage on 5th</a> (http://www.heritageparkrapids.org)	Date of site visit: 6/6/2018

### 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 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 Heritage Living Center 619 6th W. Street, Park Rapids MN 56570

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

## General summary

Heritage Cottage on 5th, Park Rapids is a nine-apartment, memory care assisted living setting. Heritage Cottage on 5th is located on the Heritage Community continuum of care campus that includes a skilled nursing facility, memory care, independent living apartments, assisted living and short-stay and rehabilitation transitional care services. Heritage Cottages are owned by Hubbard County and managed by Ecumen.

The setting is located within the city of Park Rapids, Minnesota and is near a local hospital, public park and residential homes. Local businesses are located a few blocks away. Park Rapids is a rural town in north-central Minnesota with a population, per 2016 census, of 3,935.

The vision statement of the Heritage Community states, "We envision a world in which aging is viewed and understood in different ways and services are provided in a manner in which people's lifestyle choices are honored."

## 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 people with arranging meetings and appointments, assisting with money management, assisting people 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).

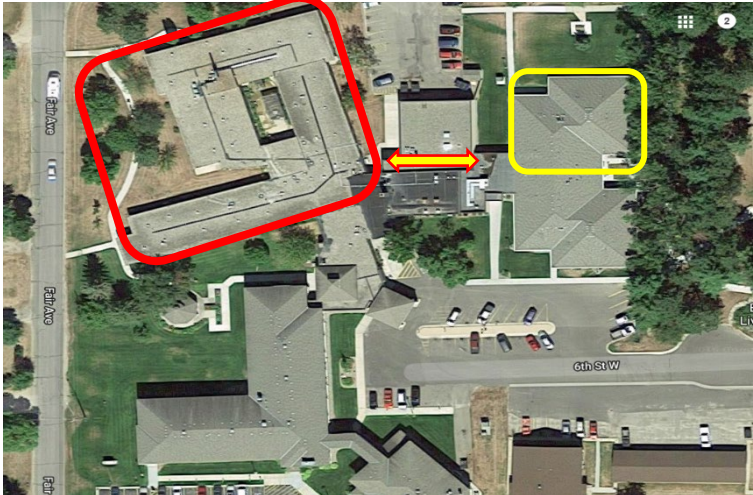
Minnesota’s Community-Based Services Manual (CBSM) provides the following requirements for customized living services:

[CBSM page for customized living services](http://www.dhs.state.mn.us/id_001787#) (http://www.dhs.state.mn.us/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>Administratively and financially, Ecumen manages the Heritage Community continuum of care campus, of which Heritage Cottage on 5th is a part. There is clear distinction of the Heritage on 5th operations, as the setting has a separate and designated Director of Housing and Community Services position that oversees and manages the staff and programming at the Heritage Cottage.</p>
<input checked="" type="checkbox"/> Met	<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-</b></p>

<input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>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>Heritage on 5th has nursing staff and direct care staff that only work in the Cottage. Staff of the attached nursing facility are not assigned to back up the HCBS staff at the Heritage Cottage on 5th. If an HCBS direct care staff is unable to work a shift, other HCBS staff are used to fill the shift.</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>The Heritage Cottage on 5th uses public transportation options, as needed. For example, transportation options used by the HCBS setting include taxi, Medivan, Heartland Express and DAC buses. Family members also provide transportation.</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>Heritage Cottage on 5th building (highlighted in yellow) is connected via a hallway (yellow arrow) to the nursing facility (highlighted in red) on the campus. There are separate entrances and signage to both the nursing facility and the HCBS setting. The layout of the buildings does not require a person to walk through one setting to get to the other.</p> <p>Walking from the Heritage Cottage on 5th to the nursing facility would need to be intentional.</p> 

## Community engagement opportunities and experiences

Heritage Cottage on 5th uses a variety of activities and experiences to engage people with the local community. One example is the local city park that is located immediately next to the setting. People are able to view the park from their apartment and watch the children play on the playground. People are able to go for walks in the park, if desired.

Other examples of community-based activities that people participated in recently include:

- Pontoon rides on local lakes
- Fishing
- Attending high school concert series
- Visiting Itasca State Park
- 4th of July parade
- Live To Be Healthy, exercise physiology program for all residents of the campus
- Hosting Mary Kay parties
- Hosting local pre-school sing-a-longs
- Visiting local green houses
- Going on rides to view seasonal changes.

The setting also has activities on a daily basis. The activities are generated by the interest of the people living in the setting and are posted on a monthly calendar in the common areas of the setting. A copy is given to each person.

Examples of activities on the monthly calendar include:

- Musicians performing on-site
- Pedicures
- Baking
- Walks in the park
- Tending flower gardens/pots.


People also have active, individual family outings. Examples of activities that people attend with their family members include:

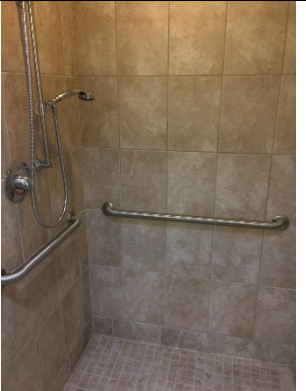
- Shopping
- Going out to eat at local restaurants
- Visiting the family home
- Going to appointments and spending the remainder of the day with family.

People also are offered one-to-one activities where they may enjoy visiting with staff out on the patio area, drinking coffee, playing games such as Jenga, watching TV or visiting with each other and people living in other settings on the campus.

## 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 type="checkbox"/> Observation made during on-site visit</p> <p>Heritage Cottage on 5th lease is observed to include HCBS requirements and protections to address eviction process and appeals.</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>Each apartment was observed to have locks on the doors, and people are in possession of a key to their lock.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Each apartment is an individual apartment. However, people who are married have chosen to share an apartment in the past.</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>The apartments are furnished with a small refrigerator, kitchenette area, walk-in shower, carpeting/flooring, appliances and call systems.</p>	<p>Compliant</p>

<p>People are required to furnish their own furniture and personal items for the décor.</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>Food is always available to people, either by storing food in their room, eating snacks kept in the common kitchen area, eating meals at the family-style dinner table or eating in their room, if requested. Coffee and juice machines are located in the common kitchen area and available at any time. Breakfast is made to order by the HCBS staff on site. Lunch and dinner are prepared by the nursing facility. However, an alternative option is available. If a person is away during standard meal times, a plate will be saved for them to eat 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>Visitors were observed coming and going during the on-site visit. Setting policies do not restrict visitors or visiting times.</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>Per on-site interviews, the director and staff reported that required assessments include all interests of the person. Previous employment and interests are included in the assessment. Staff report that people’s interest and expertise are explored when developing the activity schedule.</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>Compliant</p>

<p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>All areas of the setting were observed to be physically accessible, including large doorways, open common areas and walk in/roll in private showers in the apartments (picture right).</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>The setting provides people with the option to choose their community service providers or to use the providers on the campus. Many of the people currently use community providers for medical care and community care such as doctors, beauticians, therapies and pharmacies.</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>Heritage policies state that the setting does not provide money management duties for people. Upon interview with the director, each person currently has his/her own power of attorney who manages the person's funds.</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>Each person is provided privacy in his/her individual apartment. Staff knock on the apartment doors to request entry. Records are kept in nurse's area and/or director's office for confidentiality. People were observed to be brought to their apartments for personal cares or upon request during on-site visit. A person was also observed bringing a visitor to her room to visit in private.</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>Staff were observed treating people with dignity and respect during on-site visit. People openly shared with on-site assessor that “this is a good place to be.” People were observed choosing where to sit at family-style table in common area. People were clothed and groomed per their individual choices.</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 used at the setting. The vulnerable adult policies are in place, and staff receive training on this topic.</p> <p>The setting is a memory care facility and does have key-pad locks to outside doors. People can leave the setting by requesting a staff person enter the code. People who do not require constant supervision are allowed to take walks outside the facility without staff, if indicated in their support plan. There is also an outdoor patio/seating area for all people to use.</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>The setting ensures people are in control of their daily schedules by allowing people to awake and sleep at the times they choose. People are encouraged to participate in individual and group activities, and they can choose to refuse to attend, if desired. People were observed leaving group activities to visit with family during on-site visit.</p>	<p>Compliant</p>

# Pictures of the HCBS setting



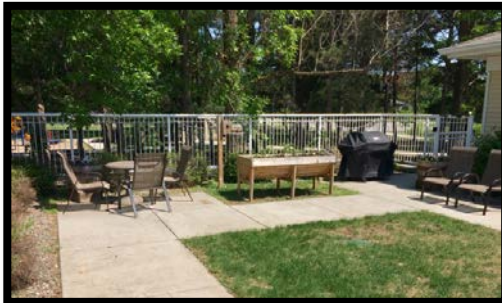
Common sitting area



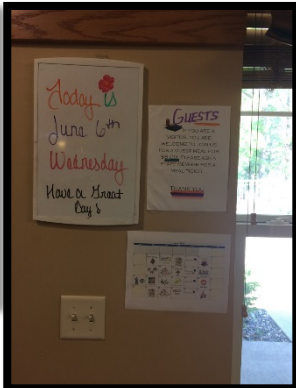
Open kitchen area



Family-style dining area



Outdoor seating area



Activity calendars and events



Juice machine in open kitchen



Park next to setting



Nursing facility entrance



HCBS setting 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.**