

HCBS Final Rule Evidentiary Package

Hillcrest of Wayzata



Setting information

Setting name: Hillcrest of Wayzata	ID #: 30693
Street address: 15409 Wayzata Blvd. Wayzata, MN 55391	Phone: 952-404-7399
Setting website, if applicable: Hillcrest of Wayzata (https://superiorhcm.com/facility/hillcrest-of-wayzata/)	Date of site visit: 10/15/2018

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 Hillcrest of Wayzata Rehabilitation and Healthcare Center

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

General summary

Hillcrest of Wayzata is located in Wayzata, Minnesota. Wayzata is located in a suburb west of Minneapolis adjacent to other suburbs and close to major highways. As of 2017, the United States Census Bureau estimated Wayzata has a population of 4,586.

Hillcrest of Wayzata is in a residential area in close proximity to churches, restaurants, health care, parks and shopping. Hillcrest of Wayzata is a continuum of care campus that offers customized living, 24-hour customized living (called memory care in this setting), short-term transitional care and skilled nursing care.

Hillcrest of Wayzata is owned by Superior Healthcare Management. As indicated by its website, Superior Healthcare Management operates nursing and rehabilitation centers throughout Minnesota.

At the time of the on-site visit on Monday, October 15, 2018, Hillcrest of Wayzata had a total of 33 people using Elderly Waiver for their customized living services.

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>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>The customized living setting and the nursing facility are operated separately. The customized living has its own designated housing manager who supports people in the customized living. One administrator provides oversight for all of the settings on campus.</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 HCBS settings regulations.)</p> <p>All staff that work in the customized living setting receive compliant HCBS rule training and other relevant training and orientation for the setting. The administration reported staff from the skilled nursing facility setting who work occasionally in the customized living receive cross-training on the HCBS settings rule and other relevant training.</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>The residents at Hillcrest of Wayzata have transportation needs met through a mix of different organizations and people. Most residents do not rely on public transportation. The customized living setting provides transportation to community activities with a bus owned by Hillcrest of Wayzata. Some residents receive transportation services from other transportation providers, like Metro Mobility and family.</p>

	<p>Hillcrest of Wayzata offers assistance to set up rides to medical appointments. One person interviewed indicated she chooses to make her own travel arrangements.</p>
<p><input checked="" type="checkbox"/>Met <input type="checkbox"/>Unmet <input type="checkbox"/>Not applicable</p>	<p>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</p> <p>The customized living setting is separate from the nursing facility on the campus. The setting is joined to the skilled nursing facility by one hallway. The customized living setting also has separate entrances, signage and parking areas from the nursing facility.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>Entrance to skilled nursing facility</p>  </div> <div style="text-align: center;"> <p>Entrance to customized living/assisted living</p>  </div> </div>

Hallway separating skilled nursing and customized living/assisted living



Community engagement opportunities and experiences

At the customized living setting, residents are given opportunities to engage in the greater community at least one time per week (typically on Fridays). Residents are informed of activities (both on-site and off-site) via monthly calendar and daily handout. (See daily handout below.) People may offer suggestions at resident council meetings. People are given the choice to participate in desirable activities and with any group of residents. They can choose activities via a centrally located sign-up sheet.

Some of the community activities include:

- Minnesota State Fair
- Boat show
- Shopping at local grocery stores
- Lunch outings to a local restaurants
- Rides around the lake
- The Minnesota Zoo.

People living in the setting also get out on their own with family and friends, and with the support of community transportation options. These trips include:

- Medical appointments
- Movies
- Family events.

As reported by a monthly calendar, on-site, programmed activities include worship services, bingo, dice games, card games, weightlifting and social hour, to name a few.



~ February 2019 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Locations Key: Crystal Dining Room- CDR Reflections Lobby- R Reflections Lounge- RL Ponds View Dining- PVD Ponds View Lounge- P Nautilus- N Cygnet- C	Daily Activities: 10:15 Devotions & Bible Readings- Crystal dining room 11:00 Rosary Prayer- Reflections lounge	Books, Magazines and newspapers can be found in the Reflections lobby, cygnet room, ponds-view dining RM & ponds-view lounge	Sign-up sheets for community outings and community lunch outings are posted on the Nautilus/Wellness room door/window		1 10:00 Newspaper & coffee- R 11:00 Pool Table- C 1:30 Goodwill outing- R 4:00 Social Hour- R	2 10:45 Church Service- RL 1:30 Bingo w/ Lisa- PVD 3:00 Puzzles- P 6:30 Movie- R
3 10:00 Hymns & Songs- R 11:00 Puzzles! - P 1:00 Chair Dancing- R 3:00 Movie- R 6:15 NFL SUPERBOWL	4 10:00 Weightlifting- N 11:00 Active Games- R 1:30 Bingo -PVD 4:00 Social Hour- R	5 9:30 Chair Yoga- N 11:00 Cribbage Club- N 1:30 Wayzata Library- R 3:30 Manicures- R	6 10:00 Weightlifting- N 10:45 Church Service- RL 1:30 Cards with Cindy- R 4:00 Social Hour- R	7 10:00 Chair Yoga- R 11:00 Board Games- R 1:30 Poker & Cards- R 3:30 Bingo! & Popcom- PVD	8 10:00 Newspaper & coffee- R 11:00 Pool Table- C 1:30 Target Outing- R 4:00 Social Hour- R	9 10:45 Church Service- RL 1:30 Bingo w/ Lisa- PVD 3:00 Puzzles- P 6:30 Movie- R
10 10:00 Hymns & Songs- R 11:00 Puzzles! - P 1:00 Pool Table- C 3:00 Movie- R	11 10:00 Weightlifting- N 11:00 Wii Games- R 1:30 Bingo! -PVD 4:00 Social Hour- R	12 9:30 Chair Yoga- N 11:30 Culvers Lunch- R 1:30 Arts and Crafts with Deb! - R 3:30 Manicures- R	13 10:00 Weightlifting- N 10:45 Church Service- RL 1:30 V-day Cards- R 4:00 Social Hour- R	14 10:00 Chair Yoga- R 11:00 Dice Games- R 1:30 Bingo & Popcom- PVD 3:30 V-Day Celebration- R	15 10:00 Newspaper & coffee- R 11:00 Pool Table- C 1:30 Dollar Store outing- R 4:00 Social Hour- R	16 10:45 Church Service- RL 1:30 Bingo w/ Lisa- PVD 3:00 Puzzles- P 6:30 Movie- R
17 10:00 Hymns & Songs- R 11:00 Puzzles! - P 1:00 Pool Table- C 3:00 Movie- R	18 10:00 Weightlifting- N 11:00 Wii Games- R 1:30 Bingo! -PVD 4:00 Social Hour- R	19 9:30 Chair Yoga- N 11:30 Wendy's Lunch- R 1:30 Cribbage Club- N 3:30 Manicures- R	20 10:00 Weightlifting- N 10:45 Church Service- RL 1:30 Movie - R 4:00 Social Hour- R	21 10:00 Chair Yoga- R 11:00 Board Games- R 1:30 Poker & Cards- R 3:30 Bingo! & Popcom- PVD	22 10:00 Newspaper & coffee- R 11:00 Pool Table- C 1:30 Walmart- R 4:00 Social Hour- R	23 10:45 Church Service- RL 1:30 Bingo w/ Lisa- PVD 3:00 Puzzles- P 6:30 Movie- R
24 10:00 Hymns & Songs- R 11:00 Puzzles! - P 1:00 Pool Table- C 3:00 Movie- R	25 10:00 Weightlifting- N 11:00 Active Games- R 1:30 Bingo! -PVD 4:00 Social Hour- R	26 9:30 Chair Yoga- N 11:00 Cribbage Club- N 1:30 Plymouth movie theater- R 3:30 Manicures- R	27 10:00 Weightlifting- N 10:45 Church Service- RL 2:30 Circle Meeting (assisted living) R 4:00 Social Hour- R	28 10:00 Chair Yoga- R 11:00 Dice Games- R 1:30 Poker & Cards- R 3:30 Bingo! & Popcom- PVD	DVD's/videos, Board games and cards are available in Wellness/Nautilus room.	Beautician Here Every THURSDAY Sign-up sheet on Beautician Door!

Assisted Living

(Reflections)

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 (Please select)
Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant

<p>The setting provided an HCBS-compliant lease agreement as documentation. During the on-site interview, one interviewee indicated they have a signed lease.</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 unit doors throughout the setting. People interviewed had locks on their doors and confirmed their privacy is respected in the setting.</p>	<p>Compliant</p>
<p>The setting facilitates that a person, who shares a bedroom, is with a roommate of his/her 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 do not share rooms unless they share a room with a spouse, partner or other person of their choice. During the on-site visit, interviewees lived in single-occupancy rooms.</p>	<p>Compliant</p>
<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>Residents were interviewed in their units. The units were observed to be decorated and furnished with their personal belongings. The lease agreement states, “[people] may furnish and decorate the unit to any degree or fashion the tenant see fit, except as excluded by law or safety code. Tenant(s) may use personal belongings, goods, linens decorations household items, etc. to furnish and decorate their unit.”</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>Compliant</p>

The lease agreement states, “tenant(s) have the right to access food at any time. Tenant(s) have the right to maintain and store food in their unit. Tenant(s) may access to the dining areas during designated meal times or coordinate with staff members to receive a meal outside those times.” People interviewed had a refrigerator and microwave in their living units. Both people reported they have access to food if they are hungry.



The setting allows people to have visitors at any time.

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

The lease agreement stated, “guests are allowed during any time and day acceptable to the tenant(s).” People interviewed verified they can have visitors at any time. One person said his brother visits him often.

Compliant

The setting provides opportunities for people to seek employment and work in competitive integrated settings.

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

The lease agreement stated, “tenant(s) may seek employment and work in competitive integrated settings without hindrance from the Landlord. Landlord will not interfere with any Tenant(s) opportunity or community schedule and will make reasonable accommodations around a Tenant(s) work schedule.” People interviewed did not express interest in employment.

Compliant

The setting is physically accessible to the individual.

Compliant

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

Observed during the on-site visit was a physically accessible building. The common spaces and living units were observed to be accessible with grab bars and wide hallways. Living units and bathrooms were observed to have many accessibility features. Below is an example of accessible bathroom in a person's unit and an image of accessible hallway with hand rails.



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

Compliant

<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit See the community engagement section Both residents interviewed said they have opportunities for community engagement with no restrictions on community life activities. Both residents mentioned they are able to participate in weekly activities. The setting supports trips into the wider community for practical purposes (e.g., errands and medical appointments) and for socialization and community engagement. The administrator indicated people may access other professional specialty services if they need them. People are informed about how to access other services by the on-site nurse manager, as well as through the Minnesota Home Care Bill of Rights. If a person wants to change to a new provider, the on-site nurse manager can facilitate this process. People interviewed reported they receive medical services in the community.	
<p>The setting supports the person’s control of personal resources.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The lease agreement states, “Landlord can arrange Social Security Representative Payee and/or resident trust services for the Tenant if assistance managing his/her own funds is desired. Tenant may contact the Housing Director for information regarding these services.” People interviewed said they have access to their personal resources.	Compliant
<p>The setting ensures people’s right to privacy.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit People interviewed said staff always respected their privacy. One person said she is able to lock her room and said she is generally “afraid of locks.” Both people confirmed staff knocks before entering their room.	Compliant
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation	Compliant

<input checked="" type="checkbox"/> Observation made during on-site visit Each resident at Hillcrest of Wayzata is given the Minnesota Home Care Bill of Rights, which covers “The right to be treated with courtesy and respect, and to have the client's property treated with respect.” During the site visit, staff were observed treating people living in the setting with respect. One person said he “likes being here.” While touring the building, the housing manager made time to talk with people in the customized living setting.	
<p>The setting ensures people’s freedom from coercion and restraint.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Each resident at Hillcrest of Wayzata is given the Minnesota Home Care Bill of Rights, which covers “The right to be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act.”	Compliant
<p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The people interviewed said they felt good in the setting. One said she felt her choices and independence were respected. Both people said they have freedom over their daily schedule. One person said he will occasionally use the help of the customized living housing manager if he needs assistance with appointments, but hey typically relies on his brother.	Compliant

Pictures of the HCBS setting

Community kitchen available to residents



Inside a person's customized living unit. Note the lock to unit on the left.



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.