

# HCBS Final Rule Evidentiary Package

## Lakeview Retirement Residence



### Setting information

Setting name: Lakeview Retirement Residence	ID # 30793
Street address: 1401 Lake Street NW Warroad, MN 56763	Phone: 218-386-1235
Setting website, if applicable: <a href="https://warroadseniorlivingcenter.com">Lakeview Retirement Residence</a> ( <a href="https://warroadseniorlivingcenter.com">https://warroadseniorlivingcenter.com</a> )	Date of site visit: 8/14/2018

### 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	Choose an item. Warroad Care Center

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

## General summary

Lakeview Retirement Residence is a registered housing-with-services setting that also holds a comprehensive home care license. The setting is located on the Warroad Senior Living Center continuum of care campus (Warroad Senior Living Center) in a residential section of Warroad, Minnesota. Warroad is a rural town in north-central Minnesota, near the Canadian border. The population was 1,794 per the 2016 census.

Lakeview Retirement Residence includes 22 apartments (first floor is Highland Park, second floor is Blueberry Hill) where customized living services are provided for people who do not require 24-hour supervision. The setting also includes 10 supportive care apartments on the first floor in an area called Garden Island. People living in the Garden Island apartments require customized living services, including 24-hour supervision.

Licensed staff are available in all areas of the campus 24 hours per day, 7 days per week.

The campus also is home to a 22-unit, senior independent living apartment setting (i.e., The Point) and a skilled nursing facility (i.e., Warroad Senior Care Center). The campus also includes the Town Center that is open to the public for gathering, shopping and community activities.

As reported on this setting's attestation, 14 of the 48 people residing at Lakeview Retirement Residence are receiving customized living services funded by the Elderly Waiver.

## 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#](http://www.dhs.state.mn.us/id_001787#))

## Prong 1 and Prong 2 settings

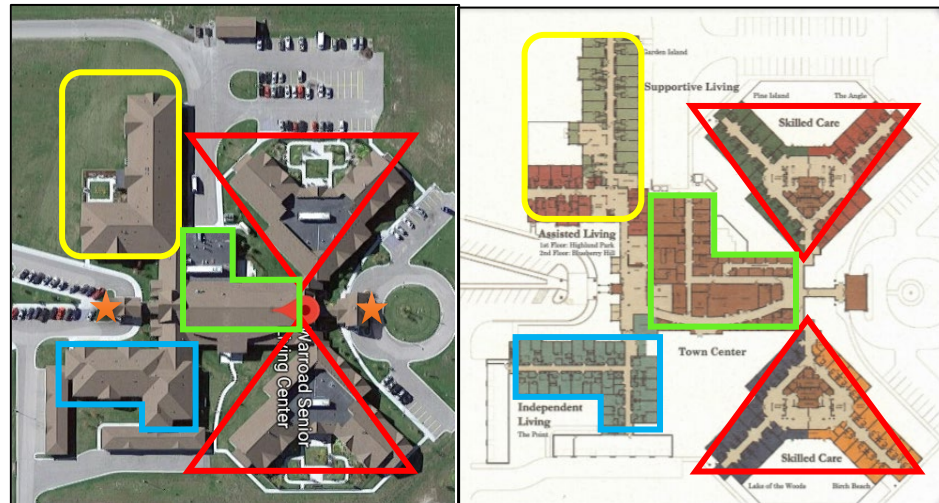
### Meaningful distinction between the facility and HCBS setting

**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>The locations and separation of programming and staff of the Lakeview Retirement Residence settings from the Warroad Senior Care Center (nursing facility) setting is distinct and clear. The Lakeview Retirement Residence has a full-time senior housing director who is responsible for the services provided in the customized living and independent living settings. Nursing and direct care staff are also hired and trained directly to work at the Lakeview Retirement Residence. The campus settings share administrative positions, such as the executive director, business office manager and human resources manager.</p>

<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<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), (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>The senior housing director reported and staff interviewed confirmed that Warroad Senior Care Center (nursing facility) staff do not provide services in the LakeView Retirement Residence. Staff for LakeView Retirement Residence includes two registered nurses and three certified nursing assistants. Lakeview Retirement Residence staff are trained specifically on HCBS regulations and rights, in addition to home care required training.</p> <p>The emergency pull-cords and care-assistance buttons in the Lakeview Retirement Residence apartments only alert the waiver services setting staff and do not alert the nursing facility staff.</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>Several people own their own vehicles and will choose to drive themselves to the community activities, or they choose individual activities that they go to on their own.</p> <p>Lakeview Retirement Residence has access to and uses the campus wheelchair-accessible bus, van and pickup truck as needed to meet most of the transportation needs of people living in the setting. These resources also are used to provide transportation to group community activities and events, as scheduled.</p> <p>Additional community transportation options available include the Paul Bunyan bus service, which has limited hours, and family members.</p> <p>Medical transportation providers include Tri-Valley and R&amp;L ride services.</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>

As shown in the aerial photo and campus map, Lakeview Retirement Residence includes the Highland Park, Blueberry Hill and Garden Island apartments highlighted in yellow. The Point independent living apartments are highlighted in blue. The Town Center (highlighted in green), located in between the waiver/independent settings and the nursing facility (highlighted in red), shows the clear separation and distance between the settings on the continuum of care campus.



Aerial photo of campus

Campus map

The settings also have separate entrances (indicated by orange stars in aerial photo above) and signage at the road entrances. It was recommended that additional signage on the building exterior entrances would be helpful to identify the different settings on the campus.

## Community engagement opportunities and experiences

Lakeview Retirement Residence has a robust and varied activity calendar. Lakeview Retirement Residence residents have access to the campus Town Center, where many campus wide activities occur throughout the day. They also have access to the campus bus and van, both of which are wheelchair accessible. The setting also uses a campus pickup truck or staff vehicles for some one-to-one community activities.

It was observed that people living at Lakeview Retirement Residence are offered a variety of activities to participate in on a daily basis. People have choice of what to participate in, and schedules are varied between each person attending. Each person's activity interests are reviewed with him/her quarterly. Examples of community based activities offered by this setting include:

- Shopping trips every Tuesday and Thursday. Stores visited most often include ShopKo, Doug's grocery store, the local hardware store, two different Dollar Stores and the

Holiday store. The nearest towns are Roseau, which is 22 miles away and Baudette, which is approximately 40 miles away. These towns are traveled to, upon request

- Taking people out to run errands, such as going to the local banks or stopping by the local eye doctor to get glasses adjusted
- One-to-one shopping trips, when requested
- Taking pontoon rides on the Rainy River
- Fishing on the Rainy River
- Going to local greenhouses to purchase flower and vegetable plants
- Going to the casino by the river
- Going to the town/county fair
- Taking rides around the countryside to view the surrounding area
- Playing in Wist tournaments at the Legion in town.



Flower garden

The campus setting also hosts several activities open to or sponsored by the community. One of the favorites reported by a person interviewed is the senior prom. The local high school students attending prom come to the Town Center for a celebration with the people living at the setting. The campus also hosts a weekly bake sale in the “Café” area that is well attended by people in the community.



The Cafe



The Den

There is also “Happy Hour” at “The Den” in the Town Center every Thursday evening, in addition to various other on-site activity options that people may choose to attend, such as bingo, cards, puzzles, singing and playing pool.




Pool table in common area

## 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)
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<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>Housing-with-services contract and lease agreement document submitted by the setting is compliant with HCBS rule requirements. People interviewed confirmed they signed a lease prior to moving into the setting.</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>Setting’s Privacy in Sleeping or Living Units policy states, “Lakeview Retirement Residence understands that each person has the right to privacy in their sleeping or living unit. All units have lockable doors, with the tenant and appropriate staff (Director of Housing, RN, LPN, or Unlicensed Personal on duty) having keys to doors as needed.</p>  <p>Tenants are free to lock their doors at any time, either when they are in their room or have left their room.”</p> <p>Observed locks on all apartment doors as pictured.</p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, who shares a bedroom, is with a roommate of their 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>Setting’s Roommate Choice policy states, “People who share units have a choice of roommates: Lakeview Retirement Residence does not require or request people to share a room with another person(s). However people may decide to have a roommate of their choice.” The policy also includes the procedures to add or change a roommate, if desired.</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>Setting’s Tenant’s Rights and Protections policy includes the following right: “Furnish and decorate the resident's bedroom according to the Lease Agreement.”</p> <p>People were interviewed in their apartments. Apartments were decorated and furnished with the person’s belongings, furniture and décor, as he/she desired.</p>	<p>Compliant</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>Setting’s Access to Food policy states, “It is the policy of Lakeview Retirement Residence that all tenants have access to a variety of nutritious foods with flexibility to enjoy their meals or snacks at any time of day.”</p> <p>Observations made of stoves and refrigerators in the apartments and open kitchen areas with snacks available to anyone, on the counters and available in the refrigerators.</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>Compliant</p>



Refrigerator and stove/oven in apartment



Stove/oven and snack refrigerator in common area kitchen



Coffee and cookies in common area



Setting's Visitation policy includes the following statements, "Lakeview Retirement Residence does not have restricted visiting hours" and "The number of visitors is not restricted within the tenant's tolerance and as long as it does not infringe upon the rights of the other tenants or the tenants roommate if applicable."

People were observed coming and going from the setting during the on-site visit. Pictured is the phone/buzzer unit found in each apartment. This allows people to allow visitors into the front entrance door after it is locked after 11 p.m., if they desire. The phone also has a button to summon for assistance from staff.



Air phone in apartment

**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 setting's Work and Volunteer policy states, "It is the policy of Lakeview Retirement Residence to uphold the tenant's right to work or volunteer for tenants who request such an activity, who need to feel useful, and or, need to be kept busy to promote feelings of self worth and to encourage team effort."

Examples of people living at the setting who are currently volunteering include:

1. A resident manages the Garden Club, managing the plants on campus
2. A resident volunteers for the Walk to Remember community event
3. Residents volunteer to visit people in the nursing facility to read with them, visit, socialize and bring flowers.

The setting includes assessing people's interest in work or volunteering as part of the person's activity assessment.

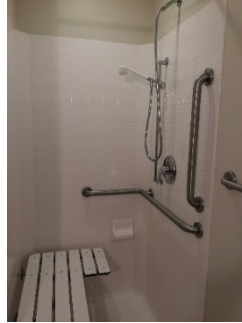
Compliant

**The setting is physically accessible to the individual.**

Compliant documentation submitted with attestation

Observation made during on-site visit

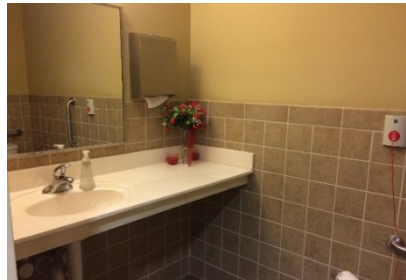
Setting's Tenant Rights and Protections policy includes the following right, "To live in a setting that is physically accessible, such as accessibility to appliances: stove, fridge, microwave, washer and dryer."



Accessible shower in apartment



Accessible kitchen sink and counter top



Accessible bathroom sink and mirror

Compliant

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

Compliant documentation submitted with attestation

Observation made during on-site visit



Bulletin board and announcements



Bulletin board and announcements

Compliant

Setting's Activities and Community Life policy states, "Lakeview Retirement Residence will provide, based on the assessment and care plan and the preferences of each tenant, an ongoing program to support tenants in their choice of activities, both facility-sponsored group and individual activities and independent activities, designed to meet the interests of and support the physical, mental, and psychosocial well-being of each tenant, encouraging both independence and interaction in the community."

<p>Activity calendars list variety of off-site and on-site activities. People interviewed report they are happy with the amount of activities offered by the setting.</p> <p>Setting lease includes the following statement: “Tenant is free to make arrangements for health-related and supportive services with the appropriate provider of Tenant’s choice, regardless of whether or not Lakeview Retirement Residence has a relationship with that provider.”</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>Setting’s Tenant Rights and Protections policy includes, “12. To manage personal financial affairs unless legally restricted.”</p> <p>People interviewed reported they each have personal banking accounts at local banks and have ready access to their finances.</p>	Compliant
<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>Setting’s Privacy in Sleeping or Living Units policy states, “1. Staff will knock on the main entrance door for the unit and wait for a response from the tenant before proceeding into that unit. If there is no response, staff should not enter the room unless there is reason to believe that there are safety concern that would warrant staff performing a safety check. 2. Staff will introduce themselves and announce the reason for their visit. 3. Staff will ask tenants preference when exiting the unit; closing the door, ensuring it is locked if appropriate.” Observed staff knocking and waiting for permission to enter apartments.</p>	Compliant
<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>Setting’s Tenant Rights and Protections policy includes, “Tenants have the right: 1.To be treated with dignity and respect, and, 7. To receive services in a manner that protects privacy and dignity.”</p>	Compliant

<p>People interviewed reported they feel safe here. One person stated, “I love each staff person. They each go out of their way to help us. When I needed help, I pushed my button and they were here.”</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 type="checkbox"/> Observation made during on-site visit</p> <p>The setting’s Vulnerable Adult Abuse/Neglect Prevention Policy and Procedure includes the following, “Warroad Senior Living Center supports ‘Zero Tolerance’ for resident abuse, neglect, mistreatment and/or misappropriation of resident property.”</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>The setting’s Combined Federal and State Bill of Rights policy/document includes, “1. The resident has a right to choose activities, schedules (including sleeping and waking times), health care and providers of health care services consistent with his or her interests, assessments, plan of care and other applicable provisions of this part., 2. The resident has the right to make choices about aspects of his or her life in the facility that are significant to the resident.”</p> <p>People interviewed reported they choose their own daily schedule and what activities they want to participate in.</p>	<p>Compliant</p>

# Pictures of the HCBS setting



Common sitting area



Common sitting area



Common sitting area



Fox Theater



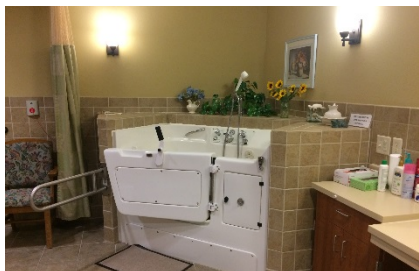
Computer with internet in common area



Common sitting area



Laundry room



Spa/Bathtub



Common dining area



Wellness Center



Beauty/Barber salon



Common dining area



Town Center

## 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.**