

HCBS Final Rule Evidentiary Package

Lakeview Senior Housing - Balaton



Setting information

Setting name: Lakeview Senior Housing	ID # 225
Street address: 651 Hwy 14 E, Balaton, MN 56115	Phone: 507-734-6828
Setting website, if applicable: Lakeview Senior Housing http://www.lakeviewbalaton.com/home.html	Date of site visit: 6/20/2018

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 Colonial Manor of Balaton, 551 US Highway 14, Balaton, MN 56115

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

General summary

Lakeview Senior Housing offers 16 apartments that can accommodate people seeking independent housing or 24-hour care. Apartment choices are private studios or one- or two-bedroom apartments. Each apartment features a walk-in shower, closet space, telephone hook-ups and an emergency response system with staff available 24/7. Lakeview offers a full range of health care and wellness services, customized to meet each person's unique needs. Lakeview Senior Housing is located on the edge of Balaton, a rural town in southwest Minnesota with an estimated population 622 people in 2016. Directly across the street is Lake Yankton and a park. To the south of Lakeview Senior Housing, there is a golf course.

People enjoy visiting with neighbors on the patio or in other common areas, or participating in daily activities. Lakeview encourages people to maintain prior lifestyles and areas of interest with a goal to create a warm welcoming atmosphere where people can be as independent as they want to be.

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 lives 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>)

Minnesota's Community-Based Services Manual (CBSM) provides the following requirements for [customized living services](#):

(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 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>Lakeview Senior Housing setting is separate from the nursing facility Colonial Manor of Balaton. The setting and facility have separate entrances. Doors that remain closed separate the setting and 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; (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>Lakeview staff do not provide services or support in the facility on the same work shift or different work shifts. Customized living staff receive training specific to the HCBS program and requirements. Before any staff members deliver care in the customized living setting, they must receive specific training in the HCBS program.</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>Lakeview does not have a vehicle for transportation. Staff support people who receive services to access public transportation / bus, local volunteer drivers and other community options. A few people who receive services have their own vehicles or have friends / family provide transportation. Transportation options are posted on a community bulletin board and also shared with people when they first move in. Lakeview will set up transition for people when they want to go into the community for personal reasons and /or community events.</p>

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

Lakeview Senior Housing is a separate building, with separate signage and entrances, connected to the nursing facility by doors that remain closed. Lakeview has its own dedicated community space used for people who receive customized living services.



Met

Unmet

Not applicable

Community engagement opportunities and experiences

Lakeview Senior Housing designs activities in the community and on site to support people to remain independent within the community. There are activity schedules posted on the community board near staff offices and the dining room. People are able to choose the activities they want to join or are able to select options they can do alone or with peers. Staff encourage people to participate in available activities and will help to set up activities that were not originally planned. Recently, a bridge was built from Lakeview across the highway to provide safe and easy access to Lake Yankton and the adjoining park.

The community is actively engaged with people living at Lakeview and the organization. Community members support people to attend local churches, quilting clubs and local events happening in and around Balaton. As an example of Lakeview's connection to the community, due to recent weather causing Lake Yankton water levels to be too high to use the local parks, Lakeview was able to use their grounds for the Fourth of July Kiddie Parade and corresponding kid events. The remaining events were held throughout town and heavily attending by people who live at Lakeview.

People frequently participate in activities at Lakeview and within the community. Events and activities within the community include:

- Sunday church services
- Walks in the park
- Quilting Club at Sillerud Luthern Church
- Local community events – fireworks, annual Burger Feed, town parade, church dinners and fundraisers
- Pontoon rides on the lake
- Golf
- Monthly "Happy Hour" and "Community Coffee"

Other activities include puzzles, reading, watching movies, religious activities, bingo, visiting the garden or gardening, and attending bible study. Activities on-site that local community members participate in include Senior Cards, weekly games of 500, community happy hour (provides meal), bible study, exercise in community, visits with a librarian who brings movies and books for people, community garden (weeding and harvesting) and bingo.

Many members of the community are invested in Lakeview Senior Housing and have designed creative activities to support their community. These members actively support people who receive services to play bingo, have community coffee events, exercise, have movie nights that are promoted in the local paper, a community happy hour and help to plant vegetables/flowers that people want in the garden.

HCBS characteristics

<p>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.</p>	
<p>HCBS Rule requirement</p>	<p>Compliance status (Please select)</p>
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Lakeview Senior Housing submitted an HCBS-compliant lease that includes the requirements of the HCBS final rule. People interviewed reported receiving a lease upon moving in.</p>	<p>Compliant</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>Each person is given a key to his or her living unit. The main doors to the setting are locked at night (10 p.m.) with directions on how to gain entry by contacting staff. We did not observe anyone using their lockable doors.</p>	<p>Compliant</p>
<p>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Lakeview submitted HCBS-compliant documentation that demonstrates a person who shares a bedroom has roommates of his or her choice and is informed of the right to request a change in roommates.</p>	<p>Compliant</p>

<p>The setting provides people with the freedom to furnish and decorate their bedrooms and living units 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>Lakeview submitted HCBS-compliant documentation demonstrating a person has the freedom to furnish and decorate his or her bedroom. During the interviews with people who receive services, their reports confirmed this policy in practice. One person was in process of adding more photos of family members to his or her living unit. Observed family photos and different furniture in the living units.</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>Lakeview submitted HCBS-compliant documentation that demonstrates a person has the freedom to control his or her daily schedules. During the interviews with people who receive services, their reports confirmed this policy in practice. During our interview, a person reported, “I like my routine and they respect that.” People have access to snacks and coffee throughout the day. If a person wants additional snack options, he or she may request these items directly from staff.</p>	<p>Compliant</p>
<p>The setting allows people to have visitors 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>Lakeview submitted HCBS-compliant documentation that demonstrates a person can have visitors at any time. During the interviews with people who receive services, their reports confirmed this policy in practice. We observed visitors in the setting during our on-site visit. The front doors are locked for security purposes at 10 p.m. with access to the building using a callbox to reach staff to enter.</p>	<p>Compliant</p>

<p>The setting provides opportunities for people to seek employment and work in competitive, integrated settings.</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>Lakeview submitted HCBS-compliant documentation that it supports opportunities for people to seek employment and work in competitive, integrated settings. Through our interviews of staff, administrator and people who receive services, we learned each person served is retired. If people who live at Lakeview were to work or volunteer in the community, Lakeview would support people who receive services by providing a flexible schedule and ensuring transportation was available / arranged to at their work or volunteer location.</p>	<p>Compliant</p>
<p>The setting is physically accessible to the individual.</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>All areas of Lakeview Senior Housing are physically accessible per on-site visit observation. People who receive services we interviewed confirmed they are able to access all areas of their apartments and the setting.</p>	<p>Compliant</p>
<p>The setting provides people opportunities to access and engage in community life.</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>Lakeview has multiple spaces in the setting to meet with visitors, socialize or share in activities together. Community activities are posted in the dining area and outside of the staff areas. People are free to choose activities and engage in community life according to their personal preferences. We observed people socializing in the community rooms and playing cards together during our onsite assessment.</p>	<p>Compliant</p>

<p>The setting supports the person’s control of personal resources.</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>Lakeview Senior Housing submitted HCBS-compliant documentation that demonstrated people’s rights to control personal resources. During our interviews, people who receive services reported they are able to access personal funds when they request without any limitations.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</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>Lakeview Senior Housing submitted HCBS-compliant documentation that demonstrated people’s right to privacy is maintained.</p>	<p>Compliant</p>
<p>The setting ensures people’s dignity and respect.</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>Lakeview submitted HCBS-compliant documentation that demonstrated people are treated with dignity and respect. Staff were observed respectfully interacting with people who receive services. People who receive services reported during interviews that they rate their services as, “Better than I expected.”</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</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Lakeview submitted HCBS-compliant documentation that demonstrates people are free from coercion and restraint. During our on-site assessment, we did not find any evidence of coercion or restraint. People were observed coming and going at their leisure.</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> <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>People who receive services we interviewed confirmed they are aware of community happenings and events. Lakeview is located on the outskirts of a small, rural town with limited transportation and in-town options for shopping. Staff will support people to arrange transportation options to attend community events and activities. Recently, a bridge was installed from the property of Lakeview to cross the highway to safely navigate to Lake Yankton and the adjacent park area. People who receive services can choose how to spend each day with staff providing flexible services and accommodations to ensure each person lives a fulfilling life.</p>	<p>Compliant</p>
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Pictures of the HCBS setting



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.