

HCBS Final Rule Evidentiary Package

Madison Avenue Apartments



Setting information

Setting name: Madison Avenue Apartments	ID #30459
Street address: 700 N. Madison St., Minneota, MN 56264	Phone: 507-872-5300
Setting website, if applicable: Madison Avenue Apartments (http://www.minmanor.com/madison.html)	Date of site visit: 8/20/2018

Waiver service type

Waiver service	Service type:
<input checked="" 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 Minneota Manor Health Care Center

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

General summary

Madison Avenue Apartments is located in Minneota, a rural city in Lyon County about 12 miles northwest of Marshall. The population was estimated at 1,392 in 2010. Madison Avenue Apartments is located in a residential neighborhood, adjacent to Minneota High School and bordered by farm fields. It takes approximately 13 minutes to walk to the main business district in town.

Madison Avenue Apartments is a customized living setting with 33 apartment units. At the time of the site visit, the setting served three people supported by a home and community-based waiver program and 18 people supported by other funding sources.

The customized living setting is located on a campus that includes Minneota Manor Health Care Center (HCC), a skilled nursing facility that provides inpatient and outpatient nursing care and rehabilitation services. Living Services Foundation LLC, a private company, owns and operates both Minneota Manor HCC and Madison Avenue Apartments.

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 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:

[CBSM page on Customized Living](#)

(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>Madison Avenue Apartments and Minneota Manor HCC share administrative oversight, but have separate budgets, day-to-day operations and staffing. Madison Avenue Apartments has a dedicated office coordinator who serves as day-to-day operations manager, and dedicated home health aides who provide services to residents. Madison Avenue Apartments has a separate address and entrance from the nursing facility. Food is prepared in the nursing facility kitchen and served in a dedicated dining room. The office coordinator is also responsible for planning activities and events for customized living setting residents.</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>Administration confirmed that all staff who 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>Madison Avenue Apartments is located in a rural area with limited public transportation. The campus has an accessible van that residents use for local transportation needs. Residents use Community Transit through United Community Action, a nonprofit organization that provides regional transit service in Lyon County and surrounding areas, including Minneota. Some residents enrolled in managed-care services may use BlueRide services to travel to medical appointments covered under waiver programs. People at the setting also use community volunteer drivers, family transports and their own vehicles. Staff reported that four residents drive their own vehicles. Transportation options are posted on bulletin boards and provided in the resident handbook.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space in which institutional services are provided.</p>

Madison Avenue 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. The setting has separate outside signage and a separate entrance from the nursing facility. In the picture below, Madison Avenue Apartments is outlined in yellow, and Minneota Manor HCC is outlined in red.



Front entrance to Madison Avenue Apartments



Aerial view of Madison Avenue Apartments and Minneota Manor campus

Community engagement opportunities and experiences

Community engagement is supported by setting staff through on-site 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 support residents' choice in their activities and schedules. Activities are tailored with feedback from people who live at the setting, through resident meetings, discussions with people and by obtaining 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:

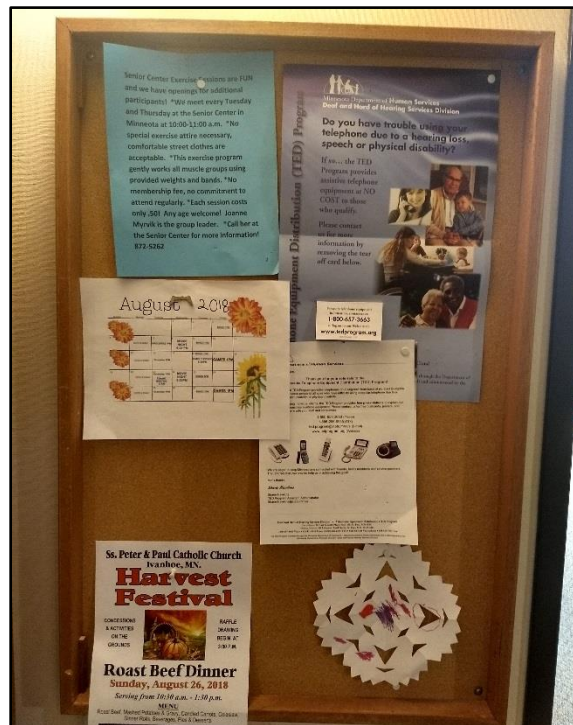
- Theater and musical events
- Meals at local restaurants
- Senior center activities
- Holiday activities
- Shopping trips
- Picnics and community events
- Golf cart rides
- Seasonal tours of area

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
- Sightseeing
- Church services and events
- General errands and shopping
- Meals at local restaurants

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

Examples of on-site activities include exercise and fitness programs, movie nights, live music performances, happy hours, crafts, board games, social hours, holiday parties and faith activities.



Community bulletin board with activity calendar and announcements


People living at the setting have the option to choose not to participate at any time. Staff and residents say people are offered alternative times or activities or are free to participate in activities of their choosing.

HCBS characteristics

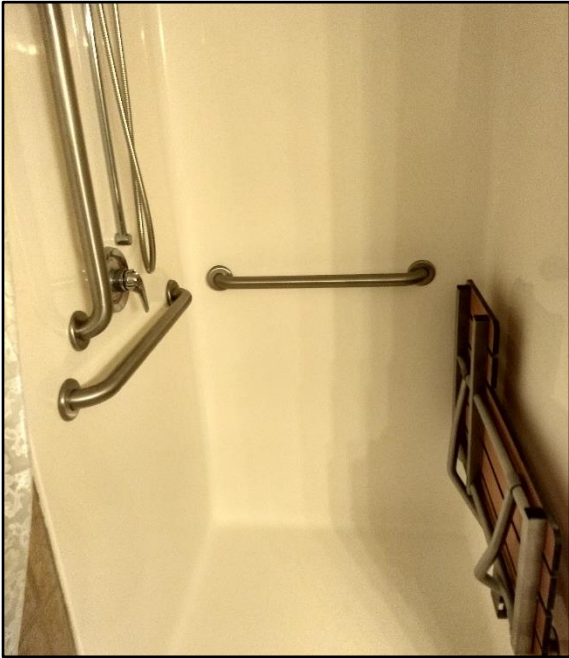
This section is a summary of the individual HCBS characteristics required in the HCBS rule. The findings for each characteristic are identified through the setting attestation documentation, on-site observation or both.

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 an HCBS-compliant lease agreement as documentation through the provider-attestation process.</p>	Compliant
<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 living unit doors in the setting.</p> <div data-bbox="678 1163 1125 1713" data-label="Image"> </div> <p data-bbox="695 1724 1109 1780">Lockable living unit door with personalized decorations</p>	Compliant
<p>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</p>	Compliant

<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <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. Staff reported that there is one couple at the setting that share an apartment.</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> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The residency agreement 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. We observed that many people put up personalized decorations in the entrance to their living units.</p>	Compliant

<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>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 is equipped with a full kitchen and residents reported that they store food in their pantry and refrigerator. One resident stated that there is always food available in the community dining area.</p>  <p style="text-align: center;">Full kitchen in living unit</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>Staff confirmed that people living at the setting may have visitors at any time. During the site visit, visitors were observed coming and going to and from the setting. One resident stated she just “buzzes them in.”</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>Staff stated that the setting does not have any residents who choose to work. Staff stated they previously had a resident who volunteered at the local food shelf. Staff confirmed that they would accommodate residents who wish to work by coordinating transportation, helping the person get ready for work and providing a flexible service schedule. Staff reported that they would save meals or provide a packed lunch depending on the resident’s needs.</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>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, e.g., grab bars in bathrooms and living areas.</p>	<p>Compliant</p>



Accessibility accommodations in living unit bathroom

<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>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.</p> <p>The staff provide information and resources on transportation options to access the greater community. Staff help people to arrange transportation as needed. Many people arrange their own transportation.</p> <p>Activities are tailored with feedback from people who live at the setting, through resident meetings, discussions with people and by obtaining resident preferences during admission and at regular health assessments.</p> <p>Administration 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 confirmed that there are no restrictions for people wishing to switch to a new provider.</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>The setting does not provide money-management services, and staff 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</p> <p><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</p> <p><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. 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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Administration confirmed 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</p> <p><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 and arrange 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



Sitting area with residents' mailboxes and reading materials



Gardens in central courtyard



Dedicated dining area and community room

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.