

# HCBS Final Rule Evidentiary Package

## Northern Lights Assisted Living



### Setting information

Setting name: Northern Lights Assisted Living	ID # 30460
Street address: 101 Park Ave W Ulen, MN 56585	Phone: 218-596-8847
Setting website, if applicable: Not available	Date of site visit: 6/19/2018

### 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 Viking Manor Nursing Home

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

## General summary

Northern Lights Assisted Living is owned and operated by the city of Ulen. Ulen is located in greater Minnesota. The population of Ulen is approximately 546 people. The assisted living setting includes 19 apartments. The apartments are a combination of individual and shared units.

Northern Lights Assisted Living is a licensed comprehensive home care provider.

## 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#)

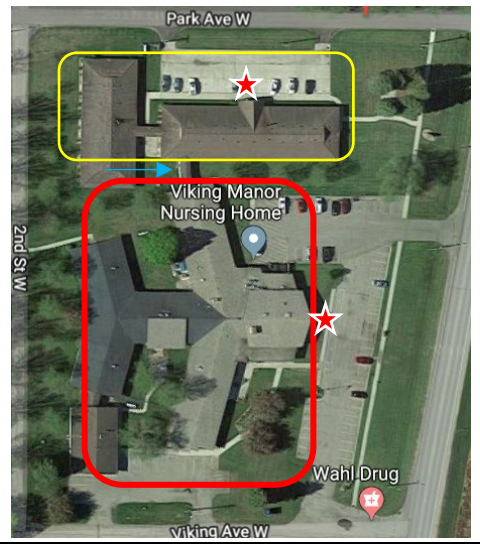
## Prong 1 and Prong 2 settings

### 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>Northern Lights Assisted Living and Viking Manor Nursing Home share an administrator, director of nursing and activities coordinator. This customized living setting has a designated housing manager and direct care staff, including nursing staff and certified nursing assistants who only work in the customized living setting.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet	<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</p>

<input type="checkbox"/> Not applicable	<p>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>Per an interview with the director of nursing, the assisted living staff are on site from 6:30 a.m. until 7:30 p.m. or 8:30 p.m., depending on the day of the week. Staff from the attached nursing facility provide response to call lights in the customized living setting when they are activated. The nursing facility staff who provide assistance in the customized living setting have been cross-trained to meet the same qualifications and requirements as the HCBS staff. HCBS training is included in “new hire” packets for both settings, and the director of nursing ensures proper training is being done per random audits.</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>Northern Lights Assisted Living shares a wheelchair-accessible bus with the Viking Manor setting as one source of transportation used by the setting. Public transportation options are limited in the rural area, and families provide most of the transportation resources. People living in the setting do have the same options available as the community at large (e.g., Medivan, Anytime Transportation), and taxis will come to Ulen, if needed, from Fargo, ND. Some people continue to drive their personal vehicles.</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>

The footprint of the Northern Lights Assisted Living building (circled in yellow) is attached to the Viking Manor Nursing Home (circled in red) by an enclosed walkway (blue arrow). Doors are located in the walkway at the nursing home side. The outside and inside of both the HCBS setting and nursing facility setting are unique in appearance. Each building has separate entrances (red stars), parking lots and different addresses.



## Community engagement opportunities and experiences

Northern Lights Assisted Living offers a monthly activity calendar for activities occurring in the setting and in the community. Due to the limited size and number of people who choose to attend group off-site activities, these activities are offered to residents of both the nursing facility and Northern Lights Assisted Living. This allows the setting to provide transportation for both settings in one trip. If more people choose to attend an activity than the setting's bus can hold, the setting makes adjustments by either providing transportation for people from the two settings at different times, or the settings will attend different community events on different days.

Examples of community activities offered by Northern Lights Assisted Living during the past year include:

- Going to Dairy Queen for ice cream
- Going shopping in Fargo/Moorhead at either Target, Herbergers or Walmart
- Taking bus rides to look at the seasonal changes (e.g., the fall leaves)
- Attending the local Veteran's Day program
- Going out for potato dumpling dinner at the Flom café.

Many people who live at Northern Lights Assisted Living continue to drive their own personal vehicles and attend individual off-site activities as desired. Families also are very involved with the residents at the setting. Examples of places people go with their family members include:

- Attending bingo in Fargo, ND
- Visiting family homes or lake cabins
- Eating out or shopping when traveling to and from doctor appointments.

Northern Lights Assisted Living also has an active monthly activities program. These activities are published monthly on a calendar that is posted in several areas throughout the setting. Each person also receives a copy to keep in his/her apartment. In addition, the setting publishes a handout titled "Daily Happenings" that each person receives in the morning. Daily Happenings includes today's date, a list of the daily activities and times, the dinner and supper menu options, the local weather for the day and independent bingo numbers.

Examples of activities provided at the setting include:

- Exercise activities and outdoor patio games (e.g., ladder ball)
- Table hockey and paddle balloon games
- Board games, card games and dice games
- Mass and prayer activities
- Movie, popcorn and trivia games.

## 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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Northern Lights Assisted Living submitted a compliant lease that includes HCBS resident rights. People who receive services interviewed during on-site visit confirmed they signed a lease and understood the fees and included services.</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>This right is included in the lease. Locks with deadbolts were observed on each person’s apartment door. Each person also has a key to the front entrance door to the assisted living setting if he/she returns home after the entrance door has been locked for the night.</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>Northern Lights Assisted Living provides single-bedroom apartments to people. People have the option to share their apartment with another person, such as their spouse, 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>People are required to furnish their own furniture and décor for the apartments. Individual apartments were observed during the on-site visit and were noted to be unique and personalized with each person’s chosen décor and furniture.</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>The resident rights document is compliant. People interviewed during the on-site visit confirmed they are in control of their daily schedules. People interviewed reported that they decide their wake and sleep times and whether they want to participate in the activities provided by the setting. Apartments have full kitchens where people can store and prepare their own food, as desired.</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>The resident rights document is compliant, and people interviewed during the on-site visit confirmed they are welcome to have any visitors they chose at any time. The setting also allows overnight stays.</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>Compliant</p>



Kitchen in apartment



<p>The resident rights document is compliant. One person interviewed during the on-site visit reports that she works at the senior center baking and helping cook meals on Wednesdays and Thursdays. She also bakes snacks and brings them to the Friday meetings at the senior center. She enjoys baking from scratch and reports that people enjoy her snacks very much. Other people living in the setting are involved in the Foster Grandparent program at the local school. The people who receive services also enjoyed making fleece blankets for the kids. Another volunteer activity the people enjoy is making bandages to be sent overseas.</p>	
<p><b>The setting is physically accessible to the individual.</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>All common areas of the setting were observed during on-site visit and were noted to be accessible to all people. People interviewed confirmed they are able to reach and/or go to any area of the setting, as desired.</p>	<p>Compliant</p>
<p><b>The setting provides people opportunities to access and engage in community life.</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>In addition to the community activities listed in the “community engagement opportunities and experiences” section, Northern Lights Assisted Living brings community to the setting. One example is inviting a master griller to come grill brisket out on the patio for all to enjoy. The setting also has raised flower beds and vegetable gardens for people to use. Local music entertainment also comes to the setting, and all are invited to attend.</p>	<p>Compliant</p>
<p><b>The setting supports the person’s control of personal resources.</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>Northern Lights Assisted Living does not provide money management functions, per policy. People interviewed report that they maintain personal bank accounts at a bank of their choosing. One person interviewed reported that she pays her own bills and writes out her</p>	<p>Compliant</p>

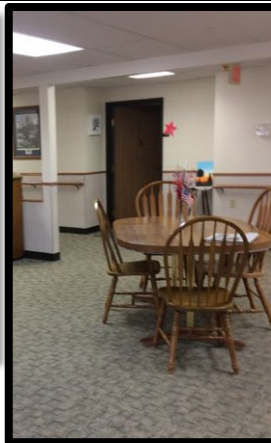
<p>rent each month. She reports that her daughter helps keep an eye on her account and makes sure she is paying the bills correctly.</p>	
<p><b>The setting ensures people’s right to privacy.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The resident rights document is compliant. People interviewed reported they feel their information is kept confidential. People also reported they like to have the added assurance of being able to lock their apartment doors at night. Each apartment has its own bathroom and walk-in shower.</p>	<p>Compliant</p>
<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>The resident rights document is compliant. Staff were observed treating people with dignity and respect. People were groomed appropriately and individually per their chosen attire.</p>	<p>Compliant</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The resident rights document is compliant. People are free to come and go from the setting, as desired. Staff request that people who receive services or their family informs staff that the person is leaving and approximate time of return for safety reasons. Staff are trained on vulnerable adult reporting requirements.</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 resident rights document is compliant. People interviewed at the on-site visit report they are able to choose what they would like to do each day. One person reported she enjoys some activities but prefers to have some alone time to read her books in her apartment or watch</p>	<p>Compliant</p>

TV. She reports she can refuse to attend any activity she does not want to go to. She reports she has visitors of her choosing at all times and makes her own decisions.

## Pictures of the HCBS setting



Common sitting area with piano



Dining room



Common sitting area with organ and library



Outdoor courtyard with seating



Laundry room



Outdoor courtyard with raised garden box

## 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.**