

HCBS Final Rule Evidentiary Package

Menorah West Apartments



Setting information

Setting name: Menorah West Apartments	ID # 256
Street address: 3600 Philips Pkwy St. Louis Park, MN	Phone: 952-935-6311
Setting website, if applicable: Sholom (www.sholom.com)	Date of site visit: 12/17/2018

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 Prong 3 Meaningful Distinction between collocated settings	Name of Institution	Sholom Home West, 3620 Phillips Parkway South, St Louis Park, MN, 55426

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

General summary

Menorah West Apartments is a Housing and Urban Development (HUD) apartment building that also provides customized living services. The setting is located south of a residential area and west of a commercial area of St. Louis Park, MN, a first-ring suburb west of Minneapolis. The population of St. Louis Park was 45,252 in the 2010 Census.

Menorah West Apartments has 45 independent apartment units. Some people living in Menorah West also are on EW and CADI waivers. This setting provides customized living services when selected by a person who is waiver-eligible. A person may receive services and supports needed by other waiver providers based on his/her person-centered plan. Menorah West Apartments is connected to the nursing home, Sholom Home West, via secure breezeways and is collocated with three other HCBS settings – Knollwood Apartments, Roitenberg Family Assisted Living and AlterCare Adult Day Program. The total people served in the collocated settings are 55 people receiving HCBS and 246 people through other funding.

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 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>Menorah West Apartments is operated separately from the nursing home (Sholom Home West) and collocated settings. Each setting is administratively separate, including separate administrative budgets, staff and activity planning. Each setting has separate staff training and orientation policies and procedures. Menorah West Apartments utilizes its own space for food, activities and community gathering areas, and it has a separate activities calendar unique to its setting. Administrative staff from each collocated setting were interviewed at the same time during the on-site visit. It was apparent during interviews with administrative staff the collocated settings are administratively separate. During multiple points of the interview, administrative staff stated, "Oh! I did not know you did it that way," or "I may have to steal that idea, that's a great strategy."</p> <p>Menorah West Apartments provides therapeutic recreation and community activities planning through a grant from the Minneapolis Jewish Federation. This grant supports both Menorah West and Menorah Plaza (a separate Sholom apartment building across town). Menorah West also has a social worker assigned to the building through HUD funding. This position provide non-waiver funded support and develops individualized plans with people, as needed. The social worker is specifically paid for by the Menorah West administrative budget.</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>HCBS staff are not scheduled to work in the nursing home, and nursing home staff do not work in HCBS settings. The submitted documentation is compliant with HCBS requirement training per DHS' Desk Audit Review process.</p>
<p><input checked="" type="checkbox"/>Met <input type="checkbox"/>Unmet <input type="checkbox"/>Not applicable</p>	<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>There are multiple transportation options available for people who live at Menorah West Apartments. There is the local public transition (i.e., Metro Transit) bus route (i.e., Route 17), a 12- or 16- passenger van and bus operated by Sholom (shared by all HCBS settings), local community transportation through Jewish Family and Children Services, Go-Go Account (provides hands-on assistance at destinations) and metro mobility. The van and bus have a typical route and schedule that can be augmented by people receiving services upon request. A list of available transportation options and contact information is located near each person's mailbox. Staff will help people, when needed, to identify available transportation options. Menorah West Apartments is located across the street from commercial area with a Target, Big Lots, pharmacy, Dollar Tree, two banks and a few other shops. The Shoppes, a local mall, is located within three-quarters of a mile.</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>Menorah West Apartments is physically separated from the nursing home (Sholom Home West) and collocated settings with its own space for food, activities and community gathering areas. The home and community-based setting entrance is separate from the facility, sharing a common wall via a secure breezeway with key card locks between the buildings. Only staff who work in a HCBS settings have keycard access to HCBS settings. People living at any HCBS setting (i.e., Menorah West Apartments, West Apartments and Roitenberg) have keycard access to all buildings for free movement.</p>

Prong 3 settings

Meaningful distinction between colocated settings

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>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings (how often, what type of programming or activities are shared) and how the provider assures interests and preferences are supported at an individual level (people are engaged in planning community activities based on their preferences, variety of transportation options, schedules are varied, reverse integration is not the sole form of “community integration”):</p> <p>Menorah West Apartments shares transportation with the other colocated community-based settings. The 12- or 16- passenger van and bus is operated by Sholom and has a typical route and schedule that can be changed when a person requests a different destination. Each colocated settings has its own activities calendar and process for assessing individualized interests and preferences. No other services or programming is shared between the colocated settings.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Describe the extent to which staff are scheduled to work with people at the other colocated setting (s) on the same shift:</p> <p>HCBS staff are not scheduled to work in the other HCBS colocated community-based settings on the same shift. The submitted documentation is compliant with HCBS requirement training per DHS’ Desk Audit Review process. The provider installed new keycard locks and security system throughout the building ensuring only appropriate staff are in HCBS settings during their scheduled shifts.</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 other co-located setting (s), 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>For more information, see the Prong 1 and Prong 2 settings Meaningful distinction between the facility and HCBS setting section on transportation.</p>

Community engagement opportunities and experiences

Menorah West has a monthly activities calendar that changes each month. Staff employed by Menorah West speak both English and Russian, and many people served primarily speak Russian. This targeted skill assists in developing monthly activities calendars based on people's preferences and interests by removing the language barrier. The monthly calendar shared with each resident and posted on every floor and elevator. Tenant councils are coordinated by people receiving services and used at their discretion.

A monthly bus schedule is shared that outlines the general times and places the Shalom van and bus will go. People are able to request other non-scheduled destinations. It was reported several people at Menorah West have their own vehicles.

Outside of the formally scheduled activities, Menorah West Apartments staff support people to attend impromptu events and activities. Staff will assist in facilitating rides or connect people who are discussing similar interests. Staff also will help people translate information received and schedule community meetings or appointments.

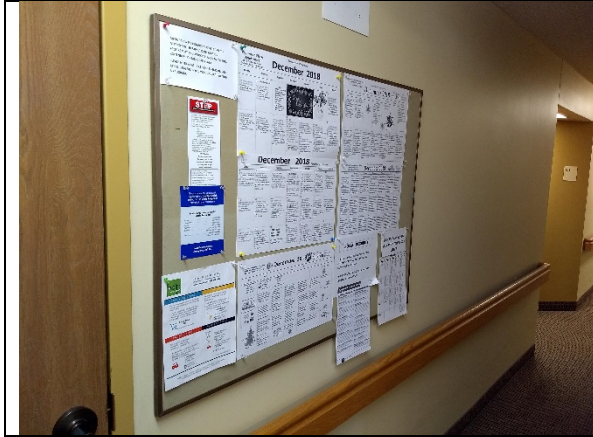
Community activities shared during interviews with administrators, staff and people receiving services include:

- Visiting the Lennox Community
- Russian language lessons
- Northern Clay classes
- Shopping trips
- Jewish community center.

Other activities include movie night, religious events and service, games, music, exercise groups, holiday celebrations/special events (e.g., national night out), music, restaurants and day trips.

It was evident in observation and interviews with people, staff and the administrator that person-centered practices are at the forefront of service delivery by:

- Respecting and honoring the things each person thinks are important and encouraging informed choice and creativity
- Supporting activities are flexible and work around the person's preferred schedule (i.e., people are not following a "set schedule")
- Encouraging people to share ideas and make choices about setting activities based on their own personal preferences and interests
- Ensuring people have opportunities and supports they need to be fully included in their community, individually and in groups, as desired
- Assisting people with developing meaningful relationships with other members of the community.



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)
<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>Each person has his/her own lease as required by Minn. Stat. 144D for people receiving customized living. The provider submitted documentation through the attestation demonstrating compliance.</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>The provider submitted documentation through the attestation demonstrating compliance. Each person has his/her own key that unlocks both his/her apartment unit and main outside doors.</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 type="checkbox"/> Observation made during on-site visit <p>Not applicable. People do not share bedrooms or living units unless they have chosen to live with a roommate. The service provider does not coordinate or arrange roommates.</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 type="checkbox"/> Observation made during on-site visit <p>People receiving services are able to freely decorate own living quarters. We were unable to interview people receiving services, as they were all active in the community during the on-site visit.</p>	Compliant
<p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit <p>Three meals and multiple snacks are provided each day when a person receives customized living services. Each customized living apartment unit has a full kitchen, and people are able to store food and eat in their living units. The setting will accommodate a person's support needs flexibly based on his/her schedule.</p>	Compliant
<p>The setting allows people to have visitors at any time.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit <p>Visitors freely come and go at any time. We observed people coming and going throughout the site visit. A visitor sign-in log was not observed. There is a kitchen space available for reservation that is near the main common room. Tenants can use it when hosting visitors.</p>	Compliant



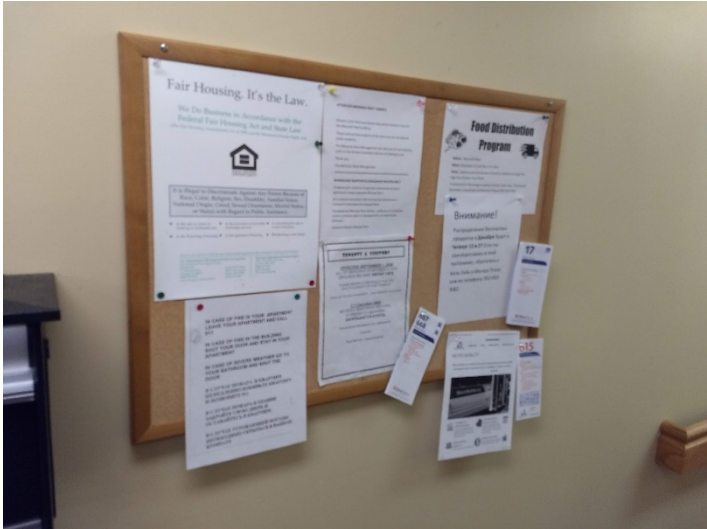
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>The provider offers a flexible schedule of activities, meals and cares to accommodate a person’s employment, volunteer or civic engagement. According to staff, there are several people who are employed part-time.</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>People physically are able to access all areas of the setting, including community space and meal areas, and they can request reasonable accommodations to make modifications to their living units. Shared spaces are accessible. A tenant was observed in a common space working on a quilt. The provider installed new keycard locks and security system throughout the building and on individual living units. This provides increased security, improves service delivery accountability and ensures people can access all common areas of 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>The provider submitted documentation through the attestation demonstrating compliance. As described in the community engagement section, people’s preferences, interests and strengths are incorporated when developing the monthly calendar, and each person may choose which activities to participate in or choose not to participate.</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>Compliant</p>

<p>Not applicable. This provider setting does not provide money management duties</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 be knowledgeable of people’s right to privacy, including knocking on doors and waiting for a response before entering an apartment. There are public spaces where private conversations can occur. When identifying a person we could interview, we observed staff knocking on the person’s door and requesting permission to enter. This person was not home, and staff did not 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>The provider documented compliant training, orientation, policies and procedures for direct care staff and informing people receiving services of their right to be treated with dignity and respect. We observed staff practicing these requirements during their interaction with people living in the setting.</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>The setting policies state restraints or restraint devices are not used at the setting. The Vulnerable Adult policies are in place, and staff receive training on this topic.</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>Compliant</p>

People living at Menorah West Apartments are able to receive services flexibly to accommodate their preferred lifestyles and schedule needs. The social worker assigned to Menorah West will provide support or assistance when request and as identified in a person's plan. People living at Menorah West are independent, coming and going as they choose. Staff support people to have individualized on- and off-site options and identify individualized preferences for community activities.



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 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.