

# HCBS Final Rule Evidentiary Package

## St. Raphael's Health & Rehabilitation Center



### Setting information

Setting name: St. Raphael's Health & Rehabilitation Center	ID # 30443
Street address: 601 Grant Ave. , Eveleth, MN 55734	Phone: (218) 744-9827
Setting website, if applicable: <a href="http://www.straphaelshealth.com/">St. Raphael's Health &amp; Rehabilitation Center</a> ( <a href="http://www.straphaelshealth.com/">http://www.straphaelshealth.com/</a> )	Date of site visit: 9/24/2018

### 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 St. Raphael's Health & Rehabilitation

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

## General summary

Eveleth is located on the rural Mesabi Range, one of sub-regions within Minnesota's Iron Range, in northeast MN. Eveleth's population per the 2016 census is 3,647.

Arrowhead Senior Living Community – Eveleth Campus doing business as St. Raphael's Health and Rehabilitation-Assisted Living is a registered Housing with Services establishment and is also licensed as the comprehensive home care provider. The setting is located in a neighborhood of Eveleth that includes a mixture of residential and commercial areas. St. Raphael's Health and Rehabilitation provides multiple services within the building, including: customized living, short-term rehabilitation, long-term care, inpatient, and outpatient therapy. One floor of the building is a designated floor where only customized living services are provided.

Per St. Raphael's Health and Rehabilitation's attestation, the setting currently provides customized living services to a total of nine people. Five people were receiving customized living services funded by the Elderly Waiver and four individuals had other pay sources funding the service.

## 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 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#](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><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p>All services provided at St. Raphael's Health &amp; Rehabilitation Center, which is owned and managed by the Benedictine Health System, are managed by a campus administrator. The shared administrative oversight does not affect the delivery of the customized living service. The St. Raphael's Health &amp; Rehabilitation customized living program has a registered nurse who manages the customized living services and supervises direct care staff.</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>Customized living direct care staff are scheduled for day, p.m. and evening shifts. During the night, direct care staff from the skilled nursing facility provide health and safety checks on people who live in the customized living setting every two hours from 9 p.m. to 6 a.m. and also respond to assistance calls, as needed. The customized living setting staff and the nursing facility staff that provide direct care have received HCBS-compliant staff training and orientation policies and procedures.</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> <div data-bbox="451 1031 771 1270" data-label="Image"> </div> <p>Multiple transportation options are available to people who live at St. Raphael's Health &amp; Rehabilitation Center. The setting owns a van and posts scheduled trips several times per month for people to sign up, as desired.</p> <p>Additional transportation options include Arrowhead Transit, which is a city bus route, taxi services and community volunteer drivers. Family members also provide transportation supports.</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> <div data-bbox="462 1486 1068 1892" data-label="Image"> </div> <div data-bbox="1105 1440 1373 1619" data-label="Image"> </div> <p><i>Sign on wall on customized living level</i></p> <p>One level of the building (outlined in yellow) is a designated floor where only customized living services are provided.</p>

The building outlined in red is the skilled nursing facility and other services. The two separate entrances are indicated by stars on the aerial photo.

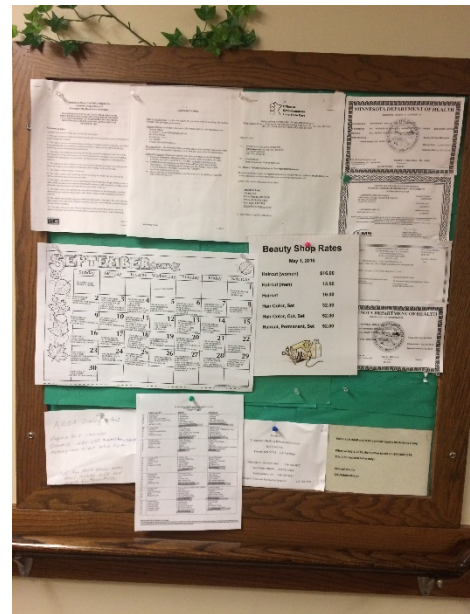
## Community engagement opportunities and experiences

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 that are flexible and work around the person’s preferred schedule (people are not following a “set schedule”)
- Encouraging people to share ideas and make choices at Resident Council meetings about setting activities based on their 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

SEPTEMBER VAN OUTINGS		
Subject To Change		
Tuesday September 4th	9:30 Mary’s Morsels	1:15 Pontoon Boat Ride
Monday September 17 <sup>th</sup>	10:30 Natural Food Harvest	2:00 DQ
Tuesday September 18 <sup>th</sup>	9:30 Shopping	1:30 MB Deli
Friday September 21 <sup>st</sup>	9:30 Casino	
Monday September 25 <sup>th</sup>	10:30 Pasties at Holy Spirit Church	2:00 DQ

*A schedule of some of the community integration activities available in September.*



*Bulletin board with activities calendar and other activity options. Note, AEOA luncheon activities are also posted on the bottom of the board.*

Examples of other community activities the setting has facilitated recently include:

- Going to the Black Bear Casino or the Fortune Bay Casino
- Going to various cafes
- Going shopping at different stores
- Going to local beauty salons for services.

People interviewed reported that their favorite community activities included going to Camp Esquanaba for lunch and to look at the scenery, going out on pontoon rides, going to bingo

and listening to the music performers. One person interviewed said she goes so many places with her daughter that she does not desire to go out more than that.

The setting also provides free pizza on Friday nights, which is a popular event.

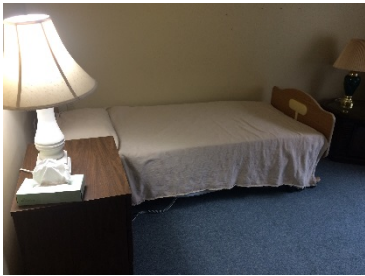
## HCBS characteristics

**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><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 type="checkbox"/> Observation made during on-site visit</p> <p>HCBS-compliant lease was submitted with the setting’s attestation.</p>	Compliant
<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>The setting’s tenant handbook, which is included with the lease, states, “An apartment, mailbox key and an exterior door key are provided to each resident.” And, “Your apartment is your private home and St. Raphael’s Health and Rehabilitation Center recognizes the right of housing tenants to a safe and secure home and supports each tenant having an individualized lock with key.”</p> <p>People interviewed reported they have keys to their apartment doors. Observation of lock on apartment door made as seen in photo.</p>	Compliant



<p><b>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her 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>The setting’s tenant handbook states, “Persons who choose to share occupancy of and apartment by personal choice and or due to financial constraints will be informed of their rights to have a roommate of choice and provided all available options for shared tenancy.”</p> <p>Setting also submitted a “Benedictine Roommate Compatibility Tool” and a “Shared Tenancy” policy.</p> <p>People interviewed on-site did not share their apartments with others.</p>	<p>Compliant</p>
<p><b>The setting provides people with the freedom to furnish and decorate their bedrooms and living units 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>The setting’s tenant handbook states, “You are responsible to furnish your apartment and have the right to furnish as you choose.”</p> <p>People interviewed reported that they furnished their apartments as 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>The setting’s lease addendum includes, “The right to control your daily schedule, including access to food at any time.”</p>	<p>Compliant</p>



*Unoccupied, unfurnished bedroom*



*Observation of person's bedroom furnished as they desired.*

As noted in photos below, observations were made of the coffee/snack area that is available in a common room at all times. Also observed is the kitchen area in the individual apartments where people may store and prepare food, as desired.



*Snack area*



*Apartment kitchen*

**The setting allows people to have visitors at any time.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit

The setting’s tenant handbook states, “Visitors are allowed at any time of the day.”

People interviewed also reported that they can have visitors anytime they choose.

**The setting provides opportunities for people to seek employment and work in competitive integrated settings.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit

The setting’s tenant handbook states, “At St. Raphael’s Health and Rehabilitation Center you have the opportunity to volunteer your time and talents in various areas.”

People interviewed reported that they both had volunteered in the past, but choose not to work or volunteer at this time in their lives.

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

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit



The setting’s tenant handbook states, “Requests for Services should be made to the Business Office or Resident Assistant. These requests will be forwarded promptly to the appropriate department for action and follow up.” And, “The common areas are designed for the enjoyment of all tenants in the building.” And, “The game room is available for all tenants to use when no scheduled activity is taking place. The dining rooms and the game room are available at no charge to tenants for use in entertaining large groups.”

Observations made of accessibility



adaptations made to apartment bathrooms for health and safety.



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

- Compliant documentation submitted with attestation
- Observation made during on-site visit

The setting’s tenant handbook states, “All tenants are urged to participate in the activities of the Tenant Meeting. The goals are to:

1. Promote understanding and communication among Tenants and Staff.
2. Enrich the lives and enhance the interests of Tenants by involving you in the community and in local activities.”

One person interviewed reported that she enjoyed going to a local camp and had lunch there. She also enjoyed going out on the pontoon.

Another person interviewed stated that he likes to participate more in the activities at the setting such as going to the exercise program and Happy Hour.

Compliant

<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>The setting’s Handling of Client Finances and Property policy submitted with the attestation is compliant.</p> <p>People interviewed reported that they maintain personal accounts at local banks. One person manages her own finances without assistance. The other person interviewed reports that his son manages his finances for him.</p>	<p>Compliant</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 setting’s Staff Training Requirements to meet the HCBS Requirements document includes the following right, “People have the right to privacy” and “Each person has privacy in his/her sleeping or living unit including a lockable door.” Setting also submitted a Home Care Bill of Rights used to notify people of this right.</p> <p>People interviewed reported that they felt their privacy was respected. Observed staff knocking on doors and asking for permission to enter.</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 setting’s Staff Training Requirements to meet the HCBS Requirements document includes the following right, “People will be treated with dignity and respect.”</p> <p>Staff were observed providing care to people in the setting in a respectful manner. One person interviewed has lived in the setting for four years and stated, “I’m lucky to be here” and “I like it here.”</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>Compliant</p>

The setting's Home Care Bill of Rights includes, "The right to be treated with courtesy and respect, and to have the client's property treated with respect." The bill of rights also states, "The right to be free from physical and verbal abuse, neglect, financial exploitation and all forms of maltreatment covered under the Vulnerable Adult Act and Maltreatment of Minors Act."



People interviewed reported that they were free to come and go from the setting as desired. People have access to enter and exit the building at any time.

**The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.**

Compliant

- Compliant documentation submitted with attestation
- Observation made during on-site visit

Administration and staff interviewed reported that people have the choice of any doctor, in any town that the person chooses. The setting provides some optional services on site such as beauty salon, podiatry services, audiology services and ophthalmology services. It has contracted with Essentia Health to provide mobile lab and X-ray for those who choose to receive these services on site.

One resident interviewed reported that she has needed physical therapy in the past and had chosen to receive the treatments both at the setting and in the town of Virginia. Both residents interviewed reported that they see a medical doctor at clinics off-site.



*Beauty salon on site*



*Occupational therapy room on site*

## Pictures of the HCBS setting



*Common area with various seating*



*Dining room*



*Seating in common area*



*Fitness equipment available for use*

## 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.**