

# HCBS Final Rule Evidentiary Package

## Westview Estates Assisted Living



### Setting information

Setting name: Westview Estates Assisted Living	ID # 232
Street address: 730 West Yellowstone Trail Buffalo Lake, MN 55314	Phone: 320-833-5364
Setting website: <a href="http://blhcc.org/westview-assisted-living">Westview Estates Assisted Living</a> ( <a href="http://blhcc.org/westview-assisted-living">http://blhcc.org/westview-assisted-living</a> )	Date of site visit: 7/19/2018

## 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 Buffalo Lake Healthcare Center

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

## General summary

Westview Estates Assisted Living is located in the city of Buffalo Lake in Renville County, about 95 miles west of Minneapolis, Minnesota. Buffalo Lake had a population of 733 people in 2010.

Westview Estates Assisted Living is a part of a continuum of care campus called Buffalo Lake Healthcare Center, which includes a nursing facility, independent housing and therapy services. According to the provider's attestation, the customized living setting serves 18 people, including four supported by public HCBS waiver programs.

The continuum of care campus is owned and operated by Buffalo Lake Healthcare Center, a not-for-profit organization.

## 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>).

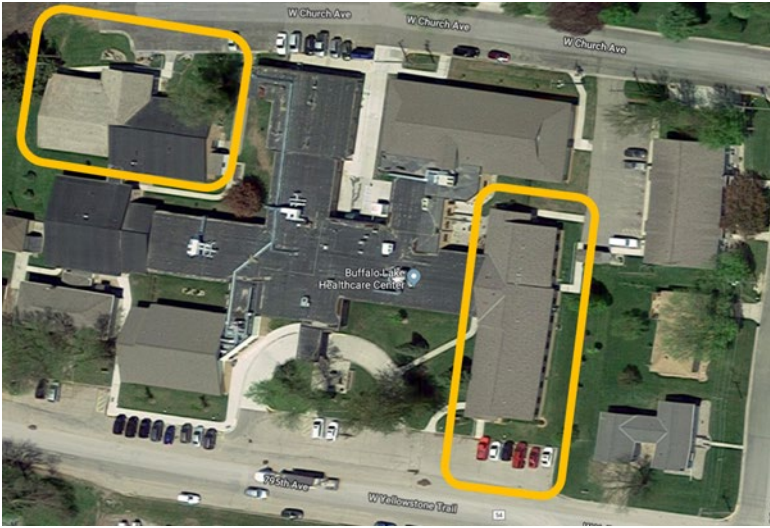
Minnesota's Community-Based Services Manual (CBSM) provides the following requirements for customized living services:

[CBSM page for customized living services](http://www.dhs.state.mn.us/id_001787#) ([http://www.dhs.state.mn.us/id\\_001787#](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>Westview Estates Assisted Living, the customized living setting, has a manager (a registered nurse) who oversees housing and nursing services. The manager in the customized living setting reports to an overall administrator of the campus but runs the day-to-day operations of the setting separately.</p> <p>The customized living setting is connected financially to the wider campus, but the setting also manages some of its financial decision-making at the program level.</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>The majority of direct care provided in the customized living setting is provided by staff who only work in the setting. Staff who work in the adjacent nursing facility administer medications and respond to overnight emergencies. These staff receive full HCBS training and orientation. Also, nursing facility staff occasionally fill whole shifts in the customized living setting. These staff are also fully trained on HCBS rules and expectations prior to working in the setting.</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>The customized living setting does have a van to assist people in the setting with transportation, but the people in the setting also have several other options, including family and friends, county transit, local taxi services and Veterans Administration transportation services.</p>
<p><input checked="" type="checkbox"/>Met <input type="checkbox"/>Unmet <input type="checkbox"/>Not applicable</p>	<p><b>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</b></p> <p>Westview Estates Assisted Living, the customized living setting, is quite separate from the nursing facility on the campus. The setting is broken into two pieces. Several units are in the northwest quadrant of the care campus, and several more are in the southeast quadrant. The buildings that make up the customized living setting have a different building style and their own main entrances, signage and parking areas. Each building is connected by a hallway to the nursing facility.</p> <p>The buildings that comprise the setting are outlined in gold in the image below. The exterior entrances to each building are shown on page one of this report.</p> 

## Community engagement opportunities and experiences

Westview Estates Assisted Living plans and oversees its own community engagement opportunities separate from the adjacent nursing facility, but people served in the setting also can participate in campus-wide activities.

People served in the setting provide input on community engagement opportunities through interest assessment forms at admission, monthly tenant meetings and direct communication with staff. People in the setting learn about opportunities through an activity calendar, daily activity sheets and staff announcements and reminders.

Community engagement opportunities in the wider community include:

- Town festivals and community events
- Seasonal site-seeing
- Fishing trips.

Many people living in the setting also make trips into the community with the support of family and friends or community transportation providers. These outings include:

- Errands
- Faith community event
- Family get-togethers.

People living in the setting also use a nearby community garden.

The customized living setting also offers a wide array of activities on-site, including church services, wellness programs, visits from school children, coffee times, music-making and arts and crafts, special celebrations, parties and a variety of games.

The setting also holds a number of events throughout the year that engages the wider community, including a 5K run, ice cream socials and picnics, Mother's and Father's Day gatherings and a Valentine's Day Luncheon.



## 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>A compliant lease agreement was submitted with the provider attestation. A person interviewed in the setting confirmed she is living in the setting under a lease agreement that was provided to her.</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>Locks were observed on living unit doors in the setting. A person interviewed in the setting said the staff was very good about respecting her privacy. However, she prefers to leave her unit door open. With her door open, others in the setting stop to visit more, which she enjoys.</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>People living in this setting only share a living unit if they desire. People who share a unit generally share it with a spouse or partner. A person interviewed in the setting does not share her room.</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>It was observed that living units were decorated as people desired, including unit entryways. A person interviewed in the setting had her living unit decorated in a very personal way.</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>A person interviewed in the setting confirmed staff accommodate her scheduling preferences. She also had a full kitchen in her living unit and described how she prepared food and snacks as she desires.</p> <p>During the site visit tour, a staff person was observed rescheduling a cleaning visit based on the preferences on a person living in the setting.</p> <p>The community dining space in the setting also was observed to have food and drink options available between meals.</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 setting allows visitors at any time according to the preferences of the people living in the setting. A person interviewed in the setting confirmed she and her guests can come and go as they please at any time of day. The exterior doors do lock at night, but guests can buzz or call to be let in after hours.</p> <p>During the site visit, a few volunteers and family members were observed coming and going from the setting.</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>Compliant</p>



<input checked="" type="checkbox"/> Observation made during on-site visit <p>Staff were not aware of people living in the setting who were still employed. A person interviewed in the setting no longer works and does not desire to, but she said the staff are very accommodating and would support a change in her schedule.</p>	
<p><b>The setting is physically accessible to the individual.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The building was observed to be accessible. A person interviewed said she finds it easy to move about her living unit and the common spaces. The setting also has an accessible program van, which is pictured later in the report.</p>	Compliant
<p><b>The setting provides people opportunities to access and engage in community life.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>See the community engagement section. Attestation documents and the site visit showed the setting supports a number of community engagement opportunities for people in the setting, offered on-site and in the wider community. A person interviewed in the setting stated she gets into the wider community as often as she likes, mainly with the help of her daughter. However, she has also worked with two staff members to arrange rides provided by a community transportation provider when needed. The person interviewed also said she had really enjoyed outings planned by the setting to the county fair and the city festival.</p> <p>A person interviewed in the setting said she used medical services in the building as well as in the wider community. She was aware of her right to choose medical providers, as she prefers, but she said some of the on-site options were very good and very convenient.</p>	Compliant
<p><b>The setting supports the person’s control of personal resources.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant

<p>The setting’s attestation is compliant on this right. A person interviewed in the setting explained she and her daughter manage all of her personal resources.</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>A person interviewed in the setting said her privacy is respected by staff and others living in the setting. When a person living in the setting was interviewed, one of the staff asked the person if she was still willing to conduct the interview and if the pre-arranged time for the interview was still good for her.</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>During the site visit, staff were observed treating people with dignity and respect. As was noted above, a staff member was observed rescheduling a cleaning visit based on the preferences of the person. Also, a person interviewed in the setting said she is treated very well by staff.</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 type="checkbox"/> Observation made during on-site visit</p> <p>Staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act. A copy of the Home Care Bill of Rights also is given to people to inform them of their right to be free from coercion and restraint.</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>Compliant</p>

A person interviewed in the setting said she was very much in control of her own day and life. However, her own health concerns and her inability to drive was limiting at times.

## Pictures of the HCBS setting



Common area kitchen and snacks



Community activities bulletin board



Hallway doorway and signage between setting and nursing facility



Continuum of care campus van to support people's transportation needs

## 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.