

# HCBS Final Rule Evidentiary Package

## *Benedict Court*



## Setting information

**Setting name:** Benedict Court

**Street address:** 1980 15<sup>th</sup> Ave SW St. Cloud, MN 56304

**Phone:** 320-252-0010

**ID #** 1831417559

**Setting website, if applicable:**

[St, Benedict's Community](#)

**Date of site visit:** 5/14/2024

## Waiver service type

Waiver	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 service

## Reason for heightened scrutiny

Prong type	Name of institution
Prong 2 Located adjacent to a Public Institution	St. Benedict’s Care Center

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

## General summary

<p>Benedict Court is a customized living setting , located on the continuum of care campus in St. Cloud, MN. St. Cloud is primarily in Stearns County but does reach into Benton and Sherburne counties. At the time of the 2020 census, the population was 68,881, making it the largest population center in central MN. Benedict Court is in a residential neighborhood, but has access to nearby restaurants, parks, and other businesses such as clinics, retail stores and salon services.</p> <p><b>Number of people served:</b></p> <p>Benedict Court is currently providing services to 39 people at the time of the site visit. They serve people whose funding sources are as follows:</p> <p>Elderly Waiver - 2            CADI Waiver - 1            Private funding - 36</p>
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## 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 settings must have an Assisted Living license through the MN Department of Health and meet all of the requirements and standards of the Assisted Living licensure, [Minn. Stat. 144G](#) or meet an exemption under [Mn Statute 256S.20 Subdivision 1](#). Customized Living services provide an individualized package of regularly scheduled health-related and supportive services provided to a person who resides in a qualified setting with an assisted living license.

## 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 the following resource on the CBSM:

Link: [Customized living component service definitions and guide for computing time for rate-setting tools.](#)

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

Link: [CBSM: Customized living \(including 24-hour customized living\)](#)

HCBS Rule requirement	Compliance determination
<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><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.10, “Each assisted living facility must employ an assisted living director licensed or permitted by the Board of Executives for Long Term Services and Supports.”</li> </ul> <p><b>Narrative:</b></p> <p>Benedict Court operates independently within the larger continuum of care campus. They have a campus administrator that oversees the entire campus, but Benedict Court has its own dedicated director, management, direct care staff and clinical director that oversees the nursing services. The long-term care facility has its own management structure and staff, that do not work at Benedict Court.</p>	Compliant
<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></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of training policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.60, “All staff persons providing assisted living services must be trained and competent in the provision of services consistent with current practice standards appropriate to the resident's needs and promote and be trained to support the assisted living bill of rights.”</li> </ul> <p><b>Narrative:</b></p> <p>All the staff that work in this setting received training on the HCBS rule at hire and it is required annually. The staff from the care center do not work in this setting.</p>	Compliant

<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></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of transportation policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.41, "Upon request of the resident, the assisted living must provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance."</li> </ul> <p><b>Narrative:</b></p> <p>The people who live at Benedict court use a variety of options for transportation. The setting owns a 12-person bus, but residents are also transported by the public bus system, taxi or Uber/Lyft ride system, community volunteer drivers and Dial A Ride. This allows residents to choose which transportation option they would like to use. When residents were interviewed, they mentioned using Dial A Ride to get places that they want to go. One person said it was "easy to get rides". When asked who they would ask if they needed help setting up a ride and they said, "Any staff". The administration reported that the nurse often helps residents set up rides if they need assistance.</p>	<p>Compliant</p>
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The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.

Compliant

Benedict Court



St Benedict Care Center



Lobby connecting Benedict Court to Care Center



Sign to Benedict Court to Care Center 1

**Validation methods:**

- Observation of the distinction of the separate spaces.
- Aerial photo and/or photos identifying the separation of settings.

**Narrative:**

Benedict Court has a separate entrance and parking lot from the care center. When you enter the lobby, you have a choice to go down a hall to the left of the lobby to get to the care center or take a hallway to the right to get to Benedict Court as shown in the photo above. There are also signs in both the care center and Benedict court directing them to the other setting also shown in the photo above.

## **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.

### **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 documentation, on-site observations, and interviews.

<p style="text-align: center;"><b>HCBS Rule requirement</b></p>	<p style="text-align: center;"><b>Compliance determination</b></p>
<p><b>The setting is selected by the individual from among a variety of setting options including non-disability specific settings.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> MnCHOICES support plan requirements: In the “What I Want my Life to Look Like” section of the support plan, using person-centered principles, the case manager/care coordinator must describe the person’s choice about housing. The case manager/care coordinator must have a conversation with the person for each of the statements on the signature sheet to ensure they understand what they are agreeing to and have the necessary information to make an informed choice. The case manager/care coordinator selects yes or no for each statement. If the person answers ‘no’ the case manager/care coordinator must review the content again in another format or discuss further with the person.</li> <li><input checked="" type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Mn Statute 256B.0911, Subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (iii) living arrangements; (v) service provided in a non-disability-specific setting;”</li> </ul> <p><b>Narrative:</b></p> <p>Case managers are required under State statute to offer and document all available options for living arrangements in the person’s support plan. Confirmation of this requirement was validated through interviews with residents at this setting. When interviewed, the residents said they were given options on where to live. Several reported that they chose this setting to be near their families.</p>	<p>Compliant</p>



<p><b>The setting facilitates individual choice regarding services and supports, and who provides them.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91,Subd. 24., “Residents have the right to be informed by the assisted living facility, prior to executing an assisted living contract, that other public and private services may be available, and that the resident has the right to purchase, contract for, or obtain services from a provider other than the assisted living facility.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy and handbook information are compliant with this right as required by state licensure requirements. Interviews with administration, direct care staff and residents all confirm that residents have the choice and option to receive services from providers not affiliated with Benedict Court. The assisted living residency agreement specifically states that residents are free to make arrangements with other providers, whether the setting has an arrangement with them, including pharmacies. Staff are trained annually on the HCBS rule including this right.</p>	<p>Compliant</p>
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<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><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of written lease or residency agreement</li> <li><input checked="" type="checkbox"/> State license requirements: This setting submitted a compliant Assisted Living lease/contract as required under MN Statute 144G.50 – 144G.57. MN Statute 144G.11 states, “Assisted Living facilities are subject to and must comply with Chapter 504B.” The lease/contract is required to be signed by the setting and the person receiving services or their representative.</li> </ul> <p><b>Narrative:</b></p> <p>The administrative staff confirmed that each person has a signed residency agreement. The people I interviewed said that they were part of the intake into the setting and that they received a residency agreement. Upon review of the setting’s residency agreement, the state confirms that the agreement has eviction protections outlined as well as the appeal process. Staff are trained annually on the HCBS rule including this right.</p>	<p>Compliant</p>
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<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door with only appropriate staff having keys to doors.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Rereview of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation of lockable unit doors during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91,Subd. 13., “(a)Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan. (b) Residents have the right to have and use a lockable door to the resident's unit. The facility shall provide locks on the resident's unit. Only a staff member with a specific need to enter the unit shall have keys. This right may be restricted in certain circumstances if necessary for a resident's health and safety and documented in the resident's service plan.” (Refer to Rights Modification section)</li> </ul> <p><b>Narrative:</b></p> <p>Setting has compliant policies and procedures, and the staff are trained annually on the HCBS rule, including this right. Administration reported that only staff who needs keys to people’s apartments have them. Upon interview, residents reported that staff do respect their privacy, they always knock and are respectful during administration of personal cares. When asked if staff respect their privacy, one resident said, “Oh definitely!”</p>	<p>Compliant</p>
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<p><b>The setting facilitates that a person, who shares a bedroom/unit, is with a roommate of their choice.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting's policy and procedure</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to choose a roommate if sharing a unit."</li> </ul> <p><b>Narrative:</b></p> <p>Setting's policy/procedure is compliant. Administration reported residents do not share rooms unless they share with a spouse, partner, or other person of their choice. Residents reported that they don't have to share a room or unit with a roommate unless it's what they want to. Staff are trained annually on the HCBS rule, including this right.</p>	<p>Compliant</p>
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**The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.**

Compliant

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and procedure
- Observation of residents' units during on-site visit
- State license requirements: As required under MN Statute 144G.91, "Residents have the right to furnish and decorate the resident's unit within the terms of the assisted living contract."

**Narrative:**

Setting's policy/procedure is compliant. Living units observed during the site visit were decorated according to the residents' tastes and preferences, including family pictures. Personalized decorations were observed in the entrance to living units. Administration reported that people are allowed/encouraged to bring their personal decorations and furniture from home to decorate their units. Residents confirmed that decorations and furniture were their personal belongings, and they were able to decorate the unit as desired. Staff are trained annually on the HCBS rule including this right.



*Interior of a person's home*



*Decorated entry way 1*

**The setting provides people the freedom and support to control their daily schedules.**

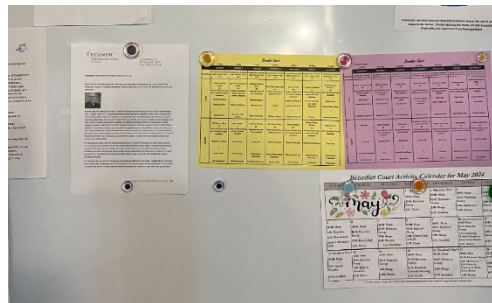
Compliant

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and procedure
- State license requirements: As required under MN Statute 144G.91, "Residents have the right to individual autonomy, initiative, and independence in making life choices, including establishing a daily schedule and choosing with whom to interact."

**Narrative:**

Setting's policy/procedure is compliant. The resident handbook states that the setting encourages residents to participate in developing their plans and to make decisions about how they want to live. Staff said they respect people's right to make their own choices, and they will try to work with them to schedule or reschedule services as needed. Residents interviewed said they could choose what they wanted to do each day. One resident said "I don't feel like I have to do something just because it's scheduled. Staff are good at listening to us about why we don't feel like doing something". The setting has a very effective method of making sure all staff know about changes to people's supports as soon as possible. When staff start their shift, they start the tablet and log in and it tells them any information they need to know about each resident, and they can do their trainings on that same tablet. The front bulletin board has a calendar of activities that the setting arranges. It also had information on other things going on around town.



*Bulletin board with activities and other things going on around town.*

**The setting provides people access to food at any time.**

Compliant

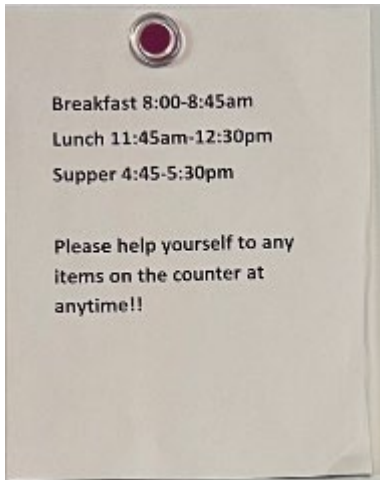
**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and procedure
- Observation during on-site visit
- State license requirements: As required under MN Statute 144G.91, "Residents have the right to access food at any time. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan."

**Narrative:**

Setting's policy/procedure is compliant. Administration reported that direct care staff are trained to offer food at any time if a person requests it. Residents store and prepare food in own apartment since they have full kitchens. Residents confirmed that they can just ask staff for food if they are hungry. In addition, there is an alternate menu with many choices if residents don't want the meal that is being served. Assorted snacks are available at any time in the dining room.

This sign is next to the snacks that they keep out all day.



*Meal schedule and invitation to take snacks.*

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

Compliant

**Validation methods:**

- Validated through interview(s) with administrative staff.
- Validated through interview(s) with residents.
- Validated through review of setting's policy and procedure.
- Observation made of people coming and going during on-site visit.
- Validated through state license requirements: *As required under MN Statute 144G.91, "Residents have the right to meet with or receive visits at any time by the resident's family, guardian, conservator, health care agent, attorney, advocate, or religious or social work counselor, or any person of the resident's choosing. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan. (See Rights Modification section)*

**Narrative:**

Setting's policy/procedure is compliant. Administration and direct care staff confirmed during interviews that the setting does not restrict visiting times or who people can visit with. When the residents were interviewed regarding any restrictions to who could visit or when, they answered that they didn't have any rules around visitors. Residents can visit with their friends/family in privacy in their own units or in any shared space within the building. Per the resident handbook and the annual staff training, overnight guests are welcome as well. Visitors were observed coming and going from the building and visiting with residents. The sign in sheet shows a lot of different people coming to and leaving the building.



Picture of the sign in book for guests



<p><b>The setting provides opportunities for people to volunteer or seek employment and work in competitive integrated settings.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Mn Statute 256B.0911, Subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers.”</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant. Administration and direct care staff report that there are not residents currently who choose to volunteer or work at the setting. Staff are trained annually on the HCBS rule, including a person’s right to work or volunteer. Residents are also given this information at move in. The resident handbook lets them know that accommodations will be made if they choose to work or volunteer. Residents report that they are aware that they can volunteer or work if they choose to do so. Residents interviewed reported they choose not to work/volunteer at this time.</p>	<p>Compliant</p>
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**The setting is physically accessible to the individual.**

Compliant

**Validation methods:**

- Validated through interview(s) with administrative staff.
- Validated through interview(s) with residents.
- Validated through review of setting's policy and procedure
- Observation made during on-site visit
- Validated through state license requirements: *As required under MN Statute 144G.11 "Assisted living facilities:(1) are subject to and must comply with chapter 504B;" and MN Statute 363A.10, Subdivision 1. Reasonable modifications/accommodations. "For purposes of section 363A.09, discrimination includes:(1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear; (2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling;"*

**Narrative:**

Setting's policy/procedure is compliant. Administrative and direct support staff report the setting is fully accessible to the residents. Accommodations such as grab bars, shower chairs, wheelchair accessible kitchen bathrooms are available to residents. Residents report they are able to use and access all areas of their unit and shared spaces within the building. Wide, accessible halls were observed and grab bars were observed in people's homes. People were observed navigating the setting without any issues.



*A picture of a bathroom with accessibility features such as grab bars*

<p><b>Any modification of the rights specified in HCBS rule under <a href="#">441.301(c)(4)(vi)(A) through (D)</a> must be supported by a specific assessed need and documented in the person-centered plan/ HCBS Rights Modification Support Plan Attachment.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input type="checkbox"/> Review of person’s support plan if a rights modification is in place.</li> <li><input checked="" type="checkbox"/> N/A. No residents at this setting, enrolled in Elderly Waiver, have a need for a Rights Modification at this time.</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.911, “The resident’s rights in section 144G.91, subdivisions 12, 13, and 18, may be restricted for an individual resident only if determined necessary for health and safety reasons identified by the facility through an initial assessment or reassessment under section 144G.70, subdivision 2, and documented in the written service plan under section 144G.70, subdivision 4. Any restrictions of those rights for people served under chapter 256S and section 256B.49 must be documented by the case manager in the resident’s support plan, as defined in sections 256B.49, subdivision 15, and 256S.10.”</li> </ul> <p><b>Narrative:</b></p> <p>Per interview with administrative staff, this setting does not have residents on Elderly Waiver with a Rights Modification at this time.</p>	<p>Compliant</p>
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<p><b>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting's policy and procedure, activity calendar(s)</li> <li><input checked="" type="checkbox"/> Observation of residents' units during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents."</li> </ul> <p><b>Narrative:</b></p> <p>Setting's policy/procedure is compliant. Residents at Benedict Court have a variety of choices about how they would like to spend their time, who they would like to socialize with and to get involved in the wider community. At move in, residents are given an activity assessment to find out what kinds of preferences they have for engaging in the community. Residents are encouraged at any time to voice their preferences about community events they would like to attend to staff. The residents also hold their own resident council meetings, without staff present. Staff are given minutes to read so they can see the outcomes of any conversations about community experiences the residents would like to have. Staff run a monthly tenant meeting and get input that way as well. Staff also get input from residents' families during their Family Council meetings, which may include ideas for new experiences. Residents are given a monthly calendar of events they can choose from. In addition to this, there are schedules posted in the elevators and on bulletin boards in the building.</p> <p><b>List of community-based activities offered by Benedict Court:</b></p> <ul style="list-style-type: none"> <li>Trip to Munsinger Gardens</li> <li>Fireworks</li> <li>Christmas lights tour</li> <li>Eating in local restaurants</li> <li>Shopping</li> <li>Music in the gardens</li> </ul>	<p>Compliant</p>
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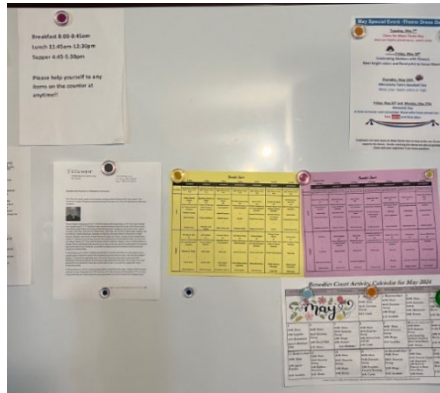
Fall leaves tour  
Shopping  
Attending County fair  
Performances at the Paramount Center for Arts

Residents have resources to assist them in accessing the community. Administrative and direct support staff report transportation options are available, and staff help them set up their rides if needed. The residents interviewed reported having their own doctors that aren't part of the St. Benedicts campus.

Residents leave the building often with family or friends to attend family gatherings such as weddings, birthdays, graduations, and baby showers. Some people still drive and leave almost every day. One resident leaves each week to have "beer with a friend" at a local pub. Another resident takes her friends who live there out to buy snacks. The setting offers on-site activities as well. They have religious services, Bingo, board and card games, exercise, crafts, and birthday parties. In addition to the scheduled activities, they have a space designated for people who want to play a game or do an activity independently.




*Game lounge*



*Bulletin board with schedules*

<p><b>The setting supports the person’s control of personal resources to the same degree as individuals not receiving Medicaid HCBS.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to control personal resources."</li> </ul> <p><b>Narrative:</b></p> <p>This Setting does not assist residents with their personal funds. Resident’s report they have access to their money, bank accounts, credit cards, cash at any time.</p>	<p>Compliant</p>
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<p><b>The setting ensures people’s right to privacy.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan." "Residents have the right to respect and privacy regarding the resident's service plan. Case discussion, consultation, examination, and treatment are confidential and must be conducted discreetly. Privacy must be respected during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance." "Residents have the right to communicate privately with persons of their choice."</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant. Administrative and direct support staff report the setting ensures residents privacy by providing personal cares in residents apartment or in private areas, not sharing private information about residents in common areas and always knocking before entering a person’s home. One resident I spoke to said, “When an ambulance comes here, we all want to know what happened, but staff will never tell us and say they have to protect that person’s privacy”. Another resident reported feeling that their privacy is respected by staff. One of the people who receives a lot of personal cares said the staff are very good about making sure they do them in a proper area, and don’t talk about the personal care needs around other people. All residents interviewed said staff knock before coming into their homes and staff were observed knocking before entering a person’s home. Another person said that if they are on a phone call that staff will leave so they can finish their phone call in private and return later.</p>	<p>Compliant</p>
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<p><b>The setting ensures people’s dignity and respect.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to be treated with courtesy and respect, and to have the resident's property treated with respect."</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant. Administrative and direct support staff report the setting ensures residents are treated with dignity and respect. A staff person said that is a “big part of their training”. The Administrative staff said that is part of their mission. When interviewing a resident regarding if they feel staff treat them with respect they said, “Definitely”. Observed interactions between staff and residents were very respectful. Staff got down to eye level with a person who uses a wheelchair while they were talking. They also have information on the Ecumen Integrity line, which residents can use if they feel something has happened that they don’t think is right.</p>  <p><i>Phone number to call if people have concerns.</i></p>	<p>Compliant</p>
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<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.42,” The assisted living facility must comply with the requirements for the reporting of maltreatment of vulnerable adults in section 626.557. The facility must establish and implement a written procedure to ensure that all cases of suspected maltreatment are reported. And, Mn Statue 144G.63, “proper orientation and annual training is given to staff on the Vulnerable Adults Act, as well as the Assisted Living Bill of Rights and staff responsibilities related to ensuring the exercise and protection of those rights.” Mn Rule 9555.7200 Subp.2, "Abuse" means: the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress”. The Elderly Waiver plan states, customized living services must, “Ensure that participants are treated with dignity and respect and are free from coercion and restraint.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant. Both the staff and the residents receive the Assisted Living Bill of Rights which outlines these rights. Staff review the HCBS rights annually which includes this right. Per policy, no restraints are used, and coercion is prohibited. Residents interviewed said that they never feel pressured to do things that they don’t want to do.</p>	<p>Compliant</p>
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<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><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, “Residents have the right to individual autonomy, initiative, and independence in making life choices, including establishing a daily schedule and choosing with whom to interact.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant. This requirement was confirmed by administrative/direct care staff. Staff report that residents are free to make their own life choices and choose who they want to spend their time with. One staff said “It’s their life, not ours. They should make their own decisions about what affects them.” One resident interviewed said he was sort of a “homebody” and prefers to spend more time at home. He said he is invited to events but most of the time he doesn’t participate. He said, “It’s just not my thing.” Another resident interviewed said they prefer to go to as many activities as possible and she loves to stay busy.</p> <p>The resident handbook states:</p> <p>“Our assisted living model emphasizes maximizing the Resident’s independence, assistance, and choice. This means that Residents are encouraged to participate to the extent possible in all activities of daily living, to be full partners in the development of care plans and be empowered to make choices about how they will live. Benedict Court seeks to maximize each individual’s quality of life.”</p>	<p>Compliant</p>
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## Additional pictures of the HCBS setting



*Chapel in the setting*



*Dining room with a TV in it*



*Library with several bookcases*



*The front lounge with exercise equipment*

## Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting. DHS sought public comment from 8:00am on July 3, 2024, to 4:00pm on August 2, 2024, 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 - Requirements for new HCBS settings](#) page
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [July 2, 2024, eList announcement](#)
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via eList announcement
- Notification to long-term care ombudsman office via eList announcement

## Minnesota's recommendation

<b>Date of recommendation:</b> August 5, 2024
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.