

# HCBS Final Rule Evidentiary Package

## Benedictine Assumption Court



### Setting information

Setting name: Benedictine Assumption Court

Street address: 615 1<sup>st</sup>. Street North, Cold Spring, MN 56320

Phone: 320-348-2356

ID # pending

Setting website, if applicable:

[Benedictine Living Cold Spring](#)

Date of site visit: 8/30/2024

## Funding and waiver service type

Waiver	Service type
<input type="checkbox"/> Elderly Waiver (EW) <input type="checkbox"/> Brain Injury (BI) <input type="checkbox"/> Community Access for Disability Inclusion (CADI) <input checked="" type="checkbox"/> Private pay or other third-party insurance <input checked="" type="checkbox"/> Pending HCBS service provider. Not yet approved for waiver funding pending heightened scrutiny determination.	Customized living service

## Reason for heightened scrutiny

Prong type	Name of institution
Prong 1 Located in a Public or Private Institution	Assumption Home

Note: The term people/person (resident for residential settings) refers to people receiving customized living services.

## General summary

### Geographic information:

Benedictine Assumption Court is a licensed Assisted Living Facility providing customized living. This setting is located in the Benedictine Living Community, a senior living community in Cold Spring, MN. Cold Spring is located in central Minnesota, just north of the Twin Cities Metro area in Stearns County. As of the last available census in 2020, Cold Spring had a population of 4,164 people.

The campus is located in a primarily suburban area, with easy access to nearby local businesses, churches and schools.

### Number of people served:

Assumption Court had 68 residents at the time of the site visit. This provider is applying to be an HCBS provider for this setting so they can begin to serve people on the Elderly Waiver. Currently, there no people using an Elderly, CADI or BI waiver for their customized Living services.

## 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 \(including 24-hour customized living\)](#)

<p style="text-align: center;"><b>HCBS Rule requirement</b></p>	<p style="text-align: center;"><b>Compliance determination</b></p>
<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>Benedictine Assumption Court is one of several settings on their continuity of care campus. It is a separate building from the skilled nursing facility, but they are connected by a hallway.</p> <p>Per interview with the Licensed Assisted Living Director (LALD), the campus administrator has authority over all the settings on the campus. However, the customized living setting has its own Licensed Assisted Living Director, who has authority over the nursing and direct care staff in the customized living setting. The skilled nursing facility has separate management, nursing and direct care staff than Benedictine Assumption Court.</p>	<p>Compliant</p>

<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>During interviews, LALD and staff reported that some staff work in more than one of the settings on campus, but never work at more than one setting at the same time. All staff receive training on the Home and Community Based Services rule at orientation and then annually going forward. Staff confirmed that they must complete training modules every year on the resident's rights. The module is an EduServe training, whose learning points were reviewed, and the description includes all the requirements of Assisted Living Bill of Rights and HCBS rule information.</p>	<p>Compliant</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.**

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with direct care staff.
- Review of transportation policy and procedure(s).
- 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."

**Narrative:**

During interviews, staff and administrators indicated that the residents have a variety of transportation options to choose from. The setting uses their own bus and van to transport residents into the community. Tri-CAP (TRI County Action Program) offers low cost, on demand rides to community like a Dial-A-Ride service to members in Benton, Sherburne and Stearns counties. Tri-CAP also coordinates rides for people that are provided by volunteers. Residents or their authorized representative are given this information at the time of move-in and staff are available to assist them any time they need assistance with transportation. Observed one of the setting vehicles in the front parking lot. Observed residents being dropped off and picked up in the front area by family members and friends.



*Blue and White Benedictine 13 passenger bus*

Compliant



*Black and white Benedictine Faith in Action van*



*Garage in setting for residents' vehicles*



**The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.**

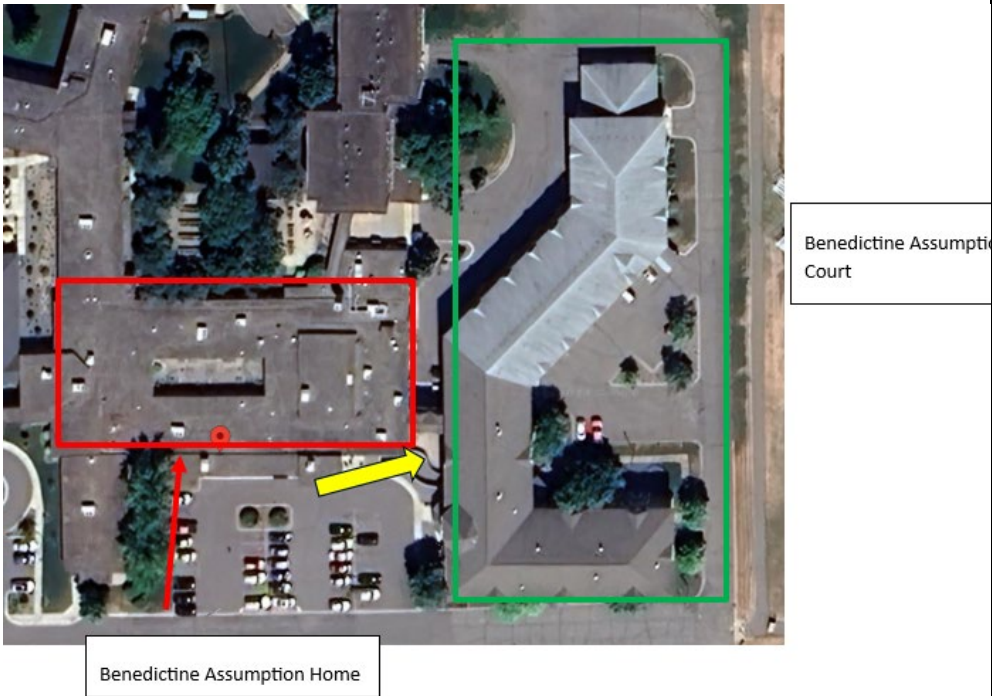
Compliant

**Validation methods:**

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

**Narrative:**

Benedictine Assumption Court provides customized living services in a building that is separate from the skilled nursing facility. In this aerial view, the Benedictine Assumption Home, the skilled nursing facility is indicated by the red rectangle. Benedictine Assumption Court is indicated by the green rectangle. The yellow arrow indicates the hallway connecting the two buildings.



*Aerial view of campus*



*Doorway connecting Assumption Court to the nursing facility.*

## **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.

HCBS Rule requirement	Compliance determination
<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> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input 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.</p> <p><input 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;”</p> <p><b>Narrative:</b></p> <p>Case managers are required under state statute to offer and document all available options for living arrangement in the person’s support plan. However, because this is a new setting going through heightened scrutiny only residents that are receiving customized living services funded by private pay or other non-waiver funding were interviewed.</p> <p>One resident interviewed stated that this was the setting they wanted to live in. He has children in the area and wanted to be close to them. Another person said, “I already knew a lot of people here” and indicated that is why he chose this setting.</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/procedures were reviewed and are compliant with HCBS settings rule requirements. During interviews, LALD and staff confirmed that residents are free to use outside providers if they choose. One staff said regarding choice in providers “Absolutely! It is always their choice”. In the tenant handbook it states, “You are able to make arrangements for health-related and supportive services with any appropriate provider you may select, whether or not Assumption Court has an arrangement with that provider.” Residents interviewed stated that they knew they had choices regarding providers. Some get medical care with a physician that comes to the building, while other continue to use their own community providers.</p>	<p>Compliant</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><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>Setting provided a copy of their Assisted Living Residency Agreement, which was reviewed and is compliant with HCBS settings rule requirements. Residents are informed if there are any changes to the agreement after it has been signed. The procedure at the setting is that the person receives a copy of this residency agreement for review prior to the time they sign it. The residency agreement contains information on eviction processes and appeals including phone numbers and other contact information for them to use if needed. During Interviews with residents, when asked if they received a copy of the residency agreement, one resident said “Yep! Got it all in writing!” Another said, “We got it to review before moving.”</p>	<p>Compliant</p>
--	------------------

<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"/> Review 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’s policy/procedures were reviewed and are compliant with HCBS settings rule requirements. This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights. The LALD confirmed during the interview that residents are afforded this right. All residents are given keys to lock their front door and are able to lock their bedroom door for privacy. LALD reported that staff only have keys to the doors of the residents that they are working with on that shift, and that staff do not take keys home with them at the end of a shift. One staff interviewed said “I always knock before I go in.” In addition, residents have drawers in their kitchen that they can lock if they want. Each person has a private mailbox that the setting does not have access to ensure privacy regarding their mail. Residents stated that they have keys to their apartments to lock the door if they want to. One resident said “Oh, I know I can, but I usually don’t because I like people to be able to visit easily”. Another resident confirmed that staff are respecting their privacy and said, “Oh yeah, they are real good about that.” Observed staff knocking and waiting before entering a</p>	<p>Compliant</p>
--	------------------

room. Locks were observed on apartment doors. The building is a secure building. Residents have a key fob to enter the buildings, and if would like a family member to have access to the door they can give them an access code to the keypad.



*Lock on the apartment door*



*Drawers with locks in recipient's apartment.*

<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/procedures were reviewed and are compliant with HCBS settings rule requirements. Benedictine Assumption Court has a specific policy related to people sharing the living space called “Shared Tenancy”. This policy has information related to the resident’s rights about deciding if they want to share a unit, as well as rights related to choosing who they want to live with. This right is reviewed with the resident upon move-in. Staff are trained on these rights as part of the annual review of the resident rights through EduCare. None of the residents interviewed shared their living space with a roommate.</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><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 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 furnish and decorate the resident's unit within the terms of the assisted living contract.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS settings rule requirements. Interviews with the LALD confirmed that residents have a right to decorate their living space. Tenant handbook states that “Benedictine Assumption Court encourages tenants to personalize their apartments.” This right is also reviewed with residents when they move in as part of their review of the Assisted Living Bill of Rights and HCBS rights. Staff are trained on this right as part of the annual review of the resident rights through EduCare. Observed personal items and unique décor in each of the residents’ apartments during interviews. Also observed decorations on the outside of resident doors. One resident said “Oh I love decorating! Especially for holidays.” She said her storage space is currently full of decorations. She did have holiday décor on her door. Another resident said, “Everything in here is from my home!”</p>	<p>Compliant</p>
--	------------------



*Bedroom with resident's decor*



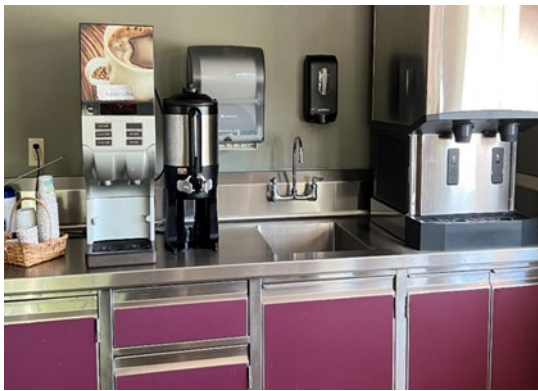
*Decorations outside of a person's door*

<p><b>The setting provides people the freedom and support to control their daily schedules.</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 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 was reviewed and are compliant. This right is reviewed with the resident upon move-in. The resident handbook states that residents are “able to choose which activities they attend while residing at Assumption Court. Tenants also can choose what independent leisure and community events they are involved in. Tenants have the right to refuse to participate in any leisure activity that is offered.” Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights. Events are posted around the setting so people know what they can choose from for activities.</p> <p>Interviews with LALD and staff confirmed that people have choices about their schedule. One staff said, “It’s up to them what they want to do or don’t want to do.” Residents interviewed said they felt they controlled their own schedules. One resident interviewed said he is more of “homebody” and , “I don’t take part in a lot of the activities, but they offer a lot”. Another resident stated that she loves to take her daily walk on the nearby paved trails. She said staff work to schedule around this walk as needed.</p>	<p>Compliant</p>
---	------------------

<p><b>The setting provides people access to food at any time.</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 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."</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS settings rule requirements. Residents are given a copy at move-in of the Assisted Living Bill of Right rights as well as the HCBS rights which include this right. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights. The LALD confirmed that residents can access food at any time, not just designated mealtimes. If people are out with family or other planned activities which the setting knew about, meals are wrapped and brought to their apartments. For unexpected times when they need meals, they can ask staff and they can get snacks or food.</p> <p>When interviewed, residents, responded that they knew that they could ask staff for food any time they were hungry. When interviewed, residents responded that they knew that they could ask staff for food any time they were hungry. The apartments have a refrigerator for storing food and an oven and microwave to prepare foods.</p> <p>Observed coffee and beverage stations around the setting for people to access, as well as bowls of snacks. There is also a vending machine for snacks and drinks that residents can access.</p>	<p>Compliant</p>
---	------------------



*Kitchen in one of the units*



*Beverage station with coffee and water*



*Vending machines*

<p><b>The setting allows people to have visitors at any time.</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 of people coming and going 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 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):</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS rule requirements. Setting’s policy called “Visitor Access” is compliant. Administration and direct care staff confirmed during interviews that the setting does not restrict visiting times or who people can visit with. This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights. The tenant handbook informs residents that they have a right to have visitors at any time, and that the setting has an overnight guest suite that their overnight guests can rent. Residents can also check out special rooms if they want to have more privacy to visit with their guests or have celebrations. Observed many guests coming and going from the setting.</p> <p>During interviews, one resident stated “Oh my sister is here all the time”. Residents said there were no restrictions on visitors.</p>	<p>Compliant</p>
--	------------------



*Private room that can be rented for special occasions*

<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 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 was reviewed and is compliant with HCBS rule requirements. This right is reviewed with the resident or authorized representative upon move-in. The resident handbook states, “Residents have the right to seek employment and /or volunteer while living at Assumption Court. Assumption Court will offer activities at a variety of time to ensure that tenants that work have an opportunity for leisure involvement. Assumption Court Social Services may be able to help tenants in locating some employment opportunities. At the time of the site visit, the LALD stated that there were no residents who were currently employed. Residents interviewed said they had no desire to work and enjoyed being retired.</p>	<p>Compliant</p>
---	------------------

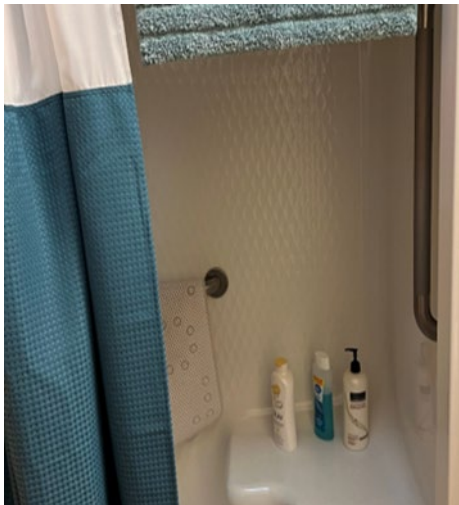


<p><b>The setting is physically accessible to the individual.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><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.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.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS rule requirements. This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights. The Tenant handbook says “Tenants have the right to access the physical environment including common areas, laundry, dining rooms to the extent desired. Tenants needing a reasonable accommodation should inform the Manager’s office in writing”. The setting also has some apartments that are specifically adapted for residents who have mobility support needs. The apartments observed during the visit had grab bars in the bathrooms and on the wall. Observed wide hallways and railings for easier navigation. The</p>	<p>Compliant</p>
---	------------------

residents interviewed said they have no trouble getting around the building or feeling safe in their apartments.



*Wide accessible hallways*



*Bathroom with grab bars for accessibility*

<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>No residents at this setting have a HCBS rights modification</p>	<p>Compliant</p>
---	------------------

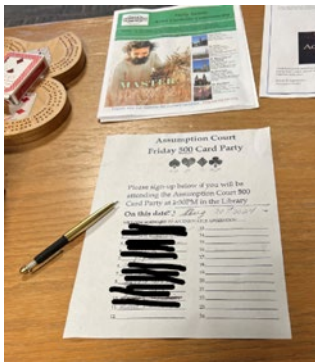
<p><b>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</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 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 with HCBS rule requirements. This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights.</p> <p>Residents have many avenues to give input into what activities they would like to do. When a new resident moves in, activities staff conduct an assessment to discover their interests and preferred activities. After move in, residents give input at bi-monthly resident meeting. Activities calendars are posted around the building and made available for residents, so they are aware of the activities offered. Setting provides transportation or assists residents to set up transportation to community activities.</p> <p>Some examples of community activities that have been offered are:</p> <ul style="list-style-type: none"> <li>Visits to local ice cream shops</li> <li>Fishing</li> <li>Grocery shopping</li> <li>Going out to eat at local restaurants</li> <li>Voting at City Hall</li> <li>Attending concerts in the park</li> <li>Cold Spring Area Historical Society - local history museum</li> <li>Musicals at local high school</li> <li>Bonifest- a community festival</li> <li>Visit to apple orchard</li> </ul>	<p>Compliant</p>
--	------------------

Visit to see Santa at a local hotel  
 Visits to nearby town of Richmond  
 Walks out on the paved trails outside the setting with friends  
 Drive to see Christmas lights  
 Visits to the pumpkin patch in the fall.

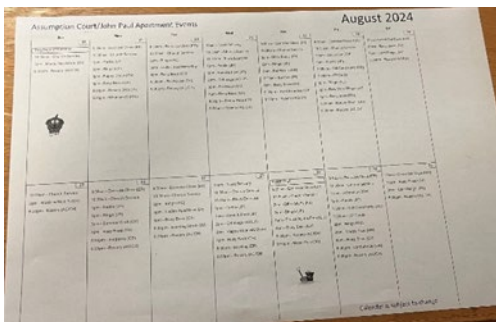
Many residents are still driving and independently accessing the community to go shopping, going to restaurants for meals, visiting friends and families, going to weddings, birthday parties and holiday celebrations. Some residents drive themselves to their appointments as well. There are some residents who leave the building as often as every day to go run errands or do activities of their choice, including one resident who attends happy hour with his friends.

The resident's family members are also very active and assist residents with going to family celebrations, sports events, out for meals, shopping, and other entertainment.

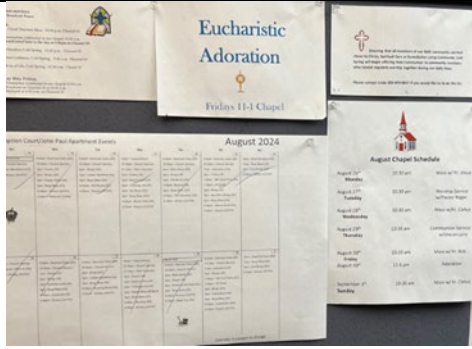
There are planned activities on-site as well, such as Bingo, arts and crafts, card games, religious services, movie nights and music. This setting has offered some unique events, like a puppy parade where people could bring their dogs to work, and they had a parade. Several residents said they loved that one.



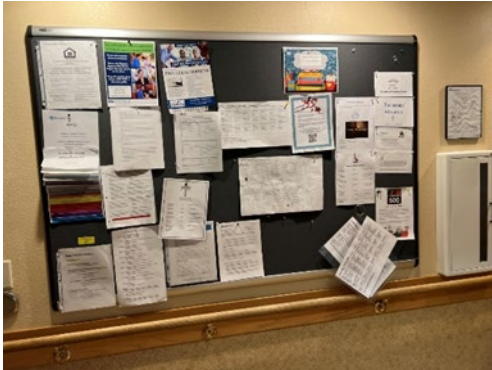
*Sign-up sheet for a card club organized by residents*



*Calendar for activities for Assumption Court*



*Schedules and information about activities including religious services*



*Bulletin board with community resources*

<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>Setting’s policy/procedures were reviewed and are compliant with HCBS setting requirements. Setting’s policy “Handling of Finances” states that the setting offers assistance to residents as needed with simple financial tasks as budgeting, paying bills and purchasing items for their homes, but not with larger financial tasks or property management. It also states that residents have access to these funds as needed.</p> <p>This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights. The residents that were interviewed reported having their finances handled by family members, not by the setting.</p>	<p>Compliant</p>
---	------------------

<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>Assumption Court’s policies and procedures were reviewed and are compliant with HCBS settings rule requirements. LALD confirmed this right is reviewed with the resident upon move-in. Staff are trained annually on the requirements of the Assisted Living License and HCBS Rule.</p> <p>Staff interviewed said that it’s important to always remember you are walking into someone’s home and they deserve privacy. When asked during resident interviews if staff respect their privacy, one resident responded, “Oh yeah they do.” Another responded, “They are good at that.”</p>	<p>Compliant</p>
--	------------------



<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/procedures were reviewed and are compliant with the HCBS settings rule. This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights.</p> <p>The Tenant Handbook says “Each tenant has the right to dignity, respect, and for tenant’s property to be respected. Staff stated that “these folks deserve dignity and respect.”</p> <p>Observed staff telling a person they were going to take the resident back to their room so they could talk with them where “there isn’t so many people around”.</p> <p>Observed staff interacting with residents in a respectful way, taking their time to listen to them.</p> <p>During an interview, one resident said, “All the staff here are awesome!” One resident gave an example of how one resident lost some weight and was having trouble with his pants staying up. She said, “The very next day he had suspenders on, so staff solved that problem”.</p>	<p>Compliant</p>
---	------------------

<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> </ul> <p><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.”</p> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure was reviewed and compliant with HCBS settings rule requirements.</p> <p>Residents receive the Assisted Living Bill of Rights which outlines this right. Staff receive annual training on the HCBS rights which includes this right. Per policy, no restraints are used, and coercion is prohibited. Information on the local Ombudsman is available for people that want it. Interviews with LADL and staff confirm that staff know that any coercion is strictly prohibited. When asked if he ever felt like people were forcing him to do things he didn’t want to he said “ No, I make my own decisions”.</p>	<p>Compliant</p>
--	------------------



*Business card and brochure for area Ombudsman*

<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 was reviewed and are compliant with HCBS settings rule requirements. This right is reviewed with the resident or authorized representative upon move-in. The Tenant Handbook states that residents are “able to choose which activities they attend while residing at Benedictine Assumption Court. Tenants also can choose what independent leisure and community events they are involved in. Tenants have the right to refuse to participate in any leisure activity that is offered.” Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Assisted Living Bill of Rights.</p> <p>Interviews with the LALD and staff confirmed that people have choices about their schedule. Staff stated that many of the residents have built strong friendships and that they can decide who they want to spend time with. Staff use iPad and if a person has a change in their cares, schedules, or preferences, all the staff working with that person will get an alert, which they must sign off on. This ensures that people’s choices are documented and read by staff, so nothing gets missed.</p> <p>One resident interviewed said “Oh yeah, we decide for ourselves what we want to do, and we can say no to anything we don’t want to do.”</p>	<p>Compliant</p>
---	------------------

## Additional pictures of the HCBS setting



*Library and lounge area*



*Laundry room*



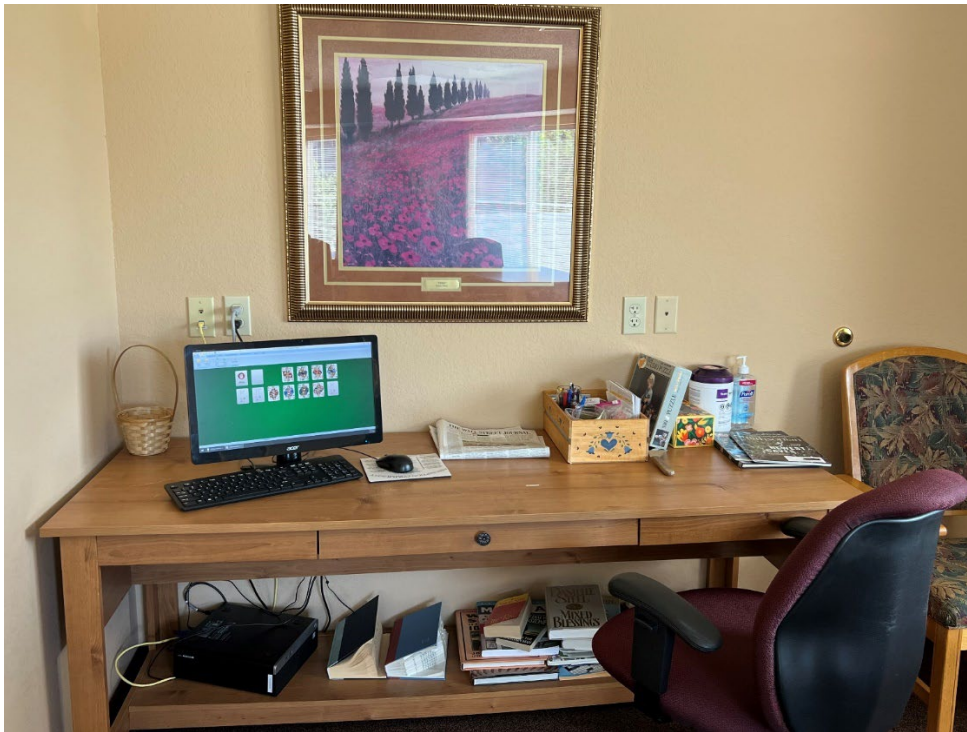
*Workout room*



*Dining room*



*Patio*



*Computers that residents can use*



*Lounge area*



*Lounge area*



# Public comment summary

(Text box: Enter summary link here)

# Minnesota's recommendation

<b>Date of recommendation:</b>