

# HCBS Final Rule Evidentiary Package

## John Paul Apartments



### Setting information

**Setting name:** John Paul Apartments

**Street address:** 200 8th Ave N, Cold Spring, MN 56320

**Phone:** [\(320\) 685-4429](tel:3206854429)

**ID #**

**Setting website, if applicable:**

[Benedictine Living Cold Spring](#)

**Date of site visit:** 8/30/2024

## Waiver service type

Waiver	Service type
<input checked="" type="checkbox"/> Elderly Waiver (E/W) <input type="checkbox"/> Brain Injury (BI) <input checked="" type="checkbox"/> Community Access for Disability Inclusion (CADI) <input checked="" type="checkbox"/> Private pay or other third-party insurance <input 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 Medicaid HCBS waiver service

## General summary

### **Geographic information:**

John Paul Apartments is a HCBS setting that provides customized living services located in the Benedictine Living Community, a continuing care campus 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. The campus has various levels of care settings, from skilled nursing facility to more independent living situations such as the John Paul Apartment building.

### **Number of people served:**

John Paul Apartments had 61 residents at the time of the site visit.

54 residents are receiving customized living services funded by the Elderly Waiver

2 residents are receiving customized living services funded by the CADI Waiver

5 residents are receiving customized living services funded through private pay sources.

## 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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under Mn Statute 325F.722, “The person primarily responsible for oversight and management of the exempt setting, as designated by the owner, must obtain at least 30 hours of continuing education every two years of employment as the manager in topics relevant to the operations of the setting and the needs of its residents. Continuing education earned to maintain a professional license, such as a nursing home administrator license, assisted living facility director license, nursing license, social worker license, or real estate license, can be used to complete this requirement.</li> </ul> <p><b>Narrative:</b></p> <p>John Paul Apartments is located on the continuing care campus, Benedictine Living community. The setting is considered an Independent Living building and operates in a separate building from the nursing facility. However, the two buildings are connected by a hallway.</p> <p>Per interview with the Housing Director, she is the housing director of the customized living setting and has authority over the staff at John Paul Apartments. However, the campus administrator has authority over all the settings on the campus. The skilled nursing facility has separate management, nursing and direct care staff than John Paul Apartments.</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State license requirement: As required under Mn Statute 144A.44, Subdivision 1., “A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (12) be served by people who are properly trained and competent to perform their duties.</li> </ul> <p><b>Narrative:</b></p> <p>During interviews, the Housing Director and staff reported that some staff work in more than one of the settings on campus, but they 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.</p> <p>Staff confirmed at their interview, 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>
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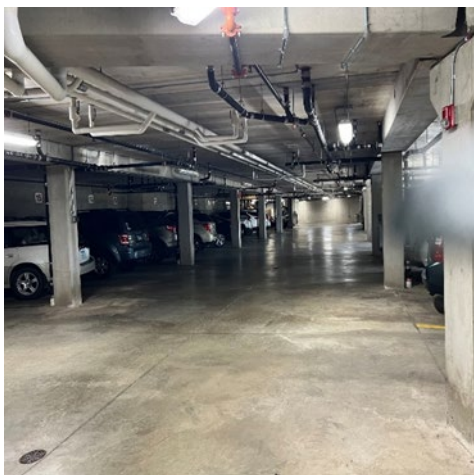
<p><b>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) 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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under Mn Statute 256S.09, “Elderly waiver case management activities provided to or arranged for a participant include: (5) assisting the participant with gaining access to needed elderly waiver and other state plan services; (6) assisting the participant with gaining access to needed medical, social, educational, and other services regardless of the funding source for the services to which access is gained;</li> </ul> <p><b>Narrative:</b></p> <p>During interviews, staff and administrators indicated that the residents have a variety of transportation options to choose from. The setting owns a bus and van that is used to transport residents into the community. Tri-CAP (TRI County Action Program) offers low cost, on demand rides to members in Benton, Sherburne and Stearns counties. Tri-CAP also coordinates volunteer drivers to provide rides for people. Residents are given information regarding transportation options at the time of move-in and staff are available to assist them any time they need assistance with transportation. The Tenant Handbook states this related to transportation. “Resources can be found by contacting the John Paul Apartments service coordinator. Residents that were interviewed stated that they knew there was different transportation options available and that they could go to any staff for assistance with transportation. During on-site visit, one of the setting vehicles was observed in the front parking lot. Also, observed residents being dropped off and picked up in the front area of the building by family members and friends.</p>	<p>Compliant</p>
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*Benedictine owned blue and white 13 passenger van*



*Faith in Action van used for transportation.*



*Garage used by the residents in the setting.*



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

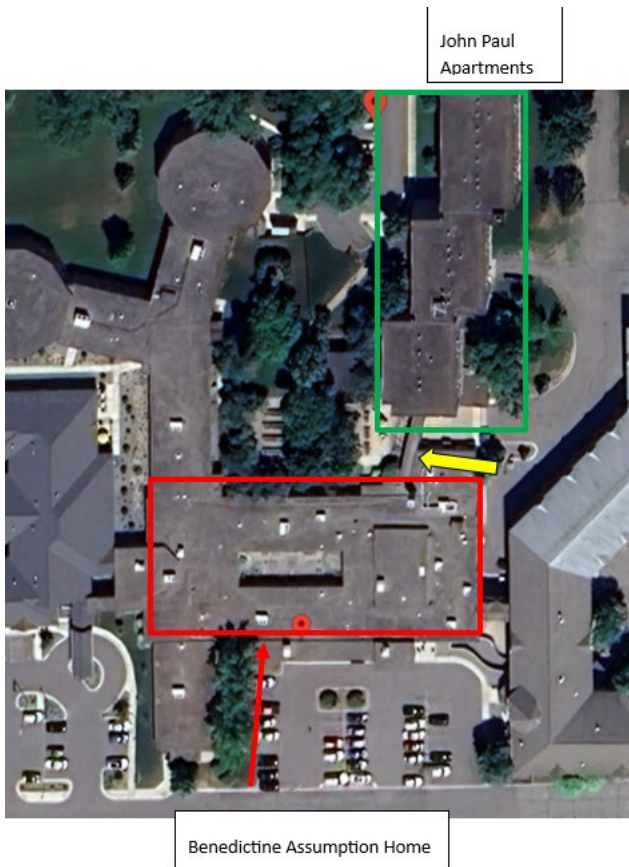
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**Validation methods:**

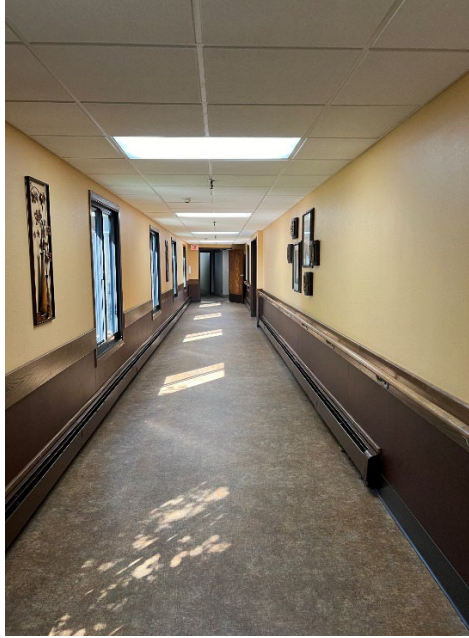
- Observation of the distinction of the separate spaces.
- Aerial photo and/or photos identifying the separation of settings.

**Narrative:**

John Paul apartments is a customized living setting located in a separate building from the nursing facility but connected by a hallway. In the aerial picture below, the green rectangle outlines the John Paul Apartments building, the red rectangle outlines the Assumption Home nursing facility. The yellow arrow points to the hallway connecting them.



*Aerial view of Benedictine Living community campus*



*Hallway connecting John Paul apartments to the nursing facility*



*Sign in John Paul apartment building*

## **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> <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, including non-disability specific options in the person’s support plan.</p> <p>The residents that were interviewed reported it was their choice to live here, and that they had grown up in the area. One resident stated, “I wanted to live here and stay in town.”</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2. (a) Every exempt setting must execute a written contract with a resident or the resident's representative and must operate in accordance with the terms of the contract. The resident or the resident's representative must be given a complete copy of the contract and all supporting documents and attachments and any changes whenever changes are made. (b) The contract must include at least the following elements in itself or through supporting documents or attachments: (12) a statement regarding the ability of a resident to receive services from providers with whom the exempt setting does not have an arrangement.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.44 Subdivision 1. (a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (8) know that there may be other services available in the community, including other home care services and providers, and to know where to find information about these services; (9) choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, other health programs, or public programs;</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with this HCBS setting requirement. During interviews, the housing director and staff confirmed that residents are free to use outside providers if they choose. The Tenant Handbook states, “You are able to make arrangements for health-related and supportive services with any appropriate provider you may select.” The Tenant Handbook also states that the Service Coordinator coordinates services for the</p>	<p>Compliant</p>
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<p>residents, which includes referring residents to other providers and services such as legal or financial assistance and building support networks.</p> <p>When staff were interviewed, they were asked if the residents have a choice in providers? Staff reported “yes”, and one staff was able to give me names of providers that they have provided to residents as resources.</p> <p>The residents that were interviewed reported using the doctor that rounds at John Paul Apartment from a program called “Senior transitions.” Residents stated they knew they could choose outside providers. One resident stated “I like seeing the one that comes here. Eliminates the hassle of rides and weather and such.” When another resident was asked if the setting allows people to choose their providers, her response was “Of course they’ll allow it.”</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: This setting submitted a compliant written lease/contract as required under MN Statute 325F.722 Subd. 8.. “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting provided their Tenant/Contract Agreement, which was reviewed and is compliant with this HCBS setting requirement. This setting provides each resident a copy of the contract so they may review it prior to the time they sign it. as required in MN Statute 325F.722, this contract contains required information on rights, eviction processes and appeals. The contract includes phone numbers and other contact information for residents to file a grievance. Residents are informed if there are any changes to be made to the contract, as required by law.</p> <p>Housing director confirmed that each resident receives a copy of the Tenant/Contract agreement prior to moving in and gets a signed copy after moving in. Residents interviewed confirmed that they were given a copy of the Tenant/Contract agreement prior to move in, and also after they moved in.</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"/> 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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2. (c) The contract must include a statement regarding: (5) a resident's right to have and use a lockable door to the resident's unit. The exempt setting must provide the locks on the unit. Only a staff member with a specific need to enter the unit shall have keys, and advance notice must be given to the resident before entrance by the staff member, when possible.</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 the Bill of Rights.</p> <p>The Housing Director confirmed during the interview that residents are afforded this right. The Housing Director also reported that staff only have keys to the doors of the residents that they are working with on that shift, and that staff are not allowed to take keys home with them at the end of a shift.</p>	<p>Compliant</p>
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<p>Residents interviewed reported that they have keys to their apartments to lock the door if they want to. One resident stated, “Well I just need to push the button and lock the door to get privacy”.</p> <p>During on-site assessment, observations were made of locks on the doors.</p>  <p><i>Lock on resident's apartment door</i></p>	
<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 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> <li><input checked="" type="checkbox"/> State statutory requirements: As required under MN Statute 325F.722 Subd. 2. (c) The contract must include a statement regarding: (4) a resident's 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 this HCBS settings rule requirement. John Paul Apartments has a policy titled, “Shared Tenancy”. The Shared Tenancy policy has information related to the resident’s right to decide if they want to share a unit, as well as the right to choose who they want to live with. Staff are trained on these rights as part of the annual review of the resident rights through EduCare.</p> <p>This right is reviewed with the resident upon move-in. 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 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> <li><input checked="" type="checkbox"/> State statutory requirements: As required under MN Statute 325F.722 Subd. 2. (c) The contract must include a statement regarding: (1) the ability of a resident to furnish and decorate the resident's unit within the terms of the lease.</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with this HCBS settings requirement. The Housing Director confirmed during the interview that residents have a right to decorate their living space. The Tenant Handbook states that “John Paul Apartments encourage tenants to personalize their apartments.” Staff are trained on this right as part of the annual review of the resident rights through EduCare.</p> <p>This right is included in the Bill of Rights and HCBS rights and these documents are reviewed with residents when they move in.</p> <p>During on-site assessment, when interviewing residents, observations were made of personal decorations in people’s apartments. During the interviews, residents were asked if they were able to decorate as they wanted when they moved in. They confirmed that they were able to and started telling stories about the items on the wall. One man had a big, beautiful rosary on the wall and stated he made it and was proud of it, so he wanted to hang it on the wall. Another resident had an aerial photo of the farm he grew up on.</p>	<p>Compliant</p>
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*This was made by a resident and it's hanging on his wall*



*Aerial photo of a resident's previous farm*



*Decorations outside of a resident's apartment*



*Decorations on a resident's counter*

<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 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> <li><input checked="" type="checkbox"/> State statutory requirements: As required under MN Statute 325F.722 Subd. 2. (c) The contract must include a statement regarding: (2) a resident's right to access food at any time.</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with this HCBS settings rule requirement.</p> <p>Staff are trained on the HCBS rule and Bill of Rights at hire and as part of staff annual training. Staff confirmed through interviews that they would assist residents access food if they asked for it.</p> <p>The Housing Director confirmed during interview that residents can access food at any time, not just designated mealtimes. There are beverage stations around the building and also vending machines for snacks.</p> <p>Residents are given a copy of the Bill of Rights as well as the HCBS rights at move-in. Resident apartments were observed to have refrigerators to store food and stovetops for preparing food.</p> <p>During interviews, residents said if they miss a meal, staff will save it for them, so it is ready when they get back. One resident said he tries not to miss meals because that’s when he socializes. Residents also reported that they are aware that there is a vending machine in the entry area to the campus. There is also a kitchen area in one of the common areas of the setting that is used for activities. The most recent use was a volunteer that came in to do a baking class and everyone was happy to eat the results after class.</p>	<p>Compliant</p>
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*Area to gather and eat or play games*



*Common area kitchenette that can be used by residents*



*Kitchen area in one of the resident's apartments*



*Stove top for cooking in a resident's apartment*



*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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2. (c) The contract must include a statement regarding: (3) a resident's right to choose the resident's visitors and times of visits.</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy titled, “Visitor Access was reviewed and is compliant with this HCBS rule requirement. Administration and direct care staff confirmed during interviews that the setting does not restrict visiting times or who people can visit with. Staff are trained on this right at hire and as part of staff annually training on the HCBS rule and Bill of Rights. Staff reported that residents often have visitors and that they visit with them in their apartments or in common areas.</p> <p>This right is reviewed with the resident upon move-in. The Tenant Handbook states, “Each tenant has the right to choose their visitors and the times of visits.” 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.</p> <p>One resident said that she has “Lots of nieces and nephews, and they are always coming and going, whenever they want.”</p>	<p>Compliant</p>
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*Room that can be signed out for family gatherings*

<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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 256B.0911 Subd. 29. (d) The written support plan must include: (2) the individual's options and choices to meet identified needs, including all available options for:(ii) employment services, settings, and providers.</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure was reviewed and is compliant with this HCBS rule requirement. This right is reviewed with the resident or authorized representative upon move-in. The Tenant Handbook states “Residents have the right to seek employment and /or volunteer while living at John Paul Apartments. John Paul Apartments will offer activities at a variety of time to ensure that tenants that work have an opportunity for leisure involvement. John Paul Apartments Social Services may be able to help tenants in locating some employment opportunities.” At the time of the site visit, housing director reported that there were no residents who chose to work or volunteer.</p>	<p>Compliant</p>
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<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 type="checkbox"/> State license requirement: As required under MN Statute 144G.11, “Assisted living facilities:(1) are subject to and must comply with chapter 504B;”</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 8., “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under 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. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and the Bill of Rights.</p> <p>The Tenant Handbook states “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.” In addition, the handbook states, “Some of our apartments have been specially adapted to make them accessible for the mobility impaired.”</p>	<p>Compliant</p>
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This right is reviewed with the resident upon move-in. During interviews, residents reported that they had no issues related to accessibility in their apartments or in the building in general. One resident stated, "Oh yeah, I get around here fine."



*Resident's bathroom with bars for accessibility*



*Grab bars in the resident's bathroom*

<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 checked="" type="checkbox"/> Review of setting’s policy and procedure</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2. “(d) A restriction of a resident's rights under this subdivision is allowed only if determined necessary for health and safety reasons identified by a home care provider's registered nurse in an initial assessment or reassessment, as defined under section 144A.4791, subdivision 8, and documented in the written service plan under section 144A.4791, subdivision 9. Any restrictions of those rights for people served under section 256B.49 and chapter 256S must be documented in the resident's support plan, as defined under sections 256B.49, subdivision 15, and 256S.10.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant. No residents at this setting have an identified need for a HCBS rights modification.</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 256S.10 Subd. 3, "Each participant's support plan must: (1) include the participant's need for service and identify service needs that will be or that are met by the participant's relatives, friends, and others, as well as community services used by the general public; (2) include the use of volunteers, religious organizations, social clubs, and civic and service organizations to support the participant in the community;</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant with this HCBS rule requirement. Staff are trained on this right at hire and as part of staff annual training on the HCBS rule and Bill of Rights.</p> <p>This right is reviewed with the resident upon move-in. When a new resident moves in, activities staff conduct an assessment to discover their interests and preferred activities. There is also an independent living assessment done which also explores their interests. The setting has resident, tenant, and family council meetings where input can be given on what types of activities they would like to see offered.</p> <p>Staff stated that some of the residents leave the building as often as daily to do community activities. Some residents at John Paul Apartments drive and are able to attend events independently. Residents have many avenues to give input into what activities they would like to do. Calendars are posted at this site so residents can see what activities are offered at all of the buildings on campus. John Paul Apartments has bulletin boards where community activities that may be of interest to residents are posted. There are also bulletin boards in the other</p>	<p>Compliant</p>
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buildings that any resident of the campus can see, and they are welcome to join activities in any building.

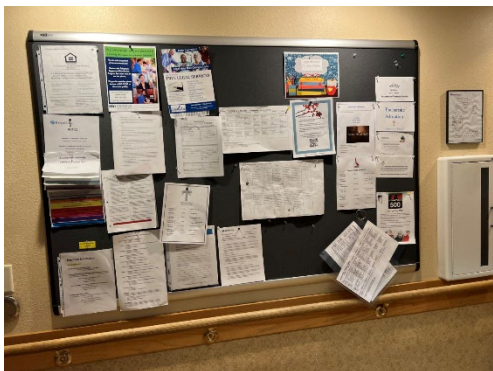
Some examples of community activities that have been offered by the setting and have been attended by John Paul Apartments' residents are:

- Trips to the local Dairy Queen
- Boni-fest- the local church festival
- Street dances
- Trips to a local ice cream shop called "Red Truck"
- Trips to the local apple orchard
- Drives to see fall leaves
- Voting at city hall
- Visits to nearby town of Richmond
- Walks out on the paved trails outside the setting with friends

Residents leaving from the building independently are:

- Attending happy Hours
- Attending family gatherings like birthday parties and holiday celebrations
- Shopping at local businesses
- Dining with friends and families at restaurants
- Going on dates with significant others
- Attending sporting events, both local and statewide
- Driving themselves to appointments
- Getting haircuts and their nails done
- Attending church services

There are planned activities on site such as Bingo, arts and crafts, board and dice games, religious services, movie nights and opportunities to exercise.



*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 type="checkbox"/> State license requirement: As required under MN Statute 144G.91, "Residents have the right to control personal resources."</li> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.479 Subd. 5., "(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession."</li> </ul> <p><b>Narrative:</b></p> <p>This setting does not manage funds for the tenants. In the tenant handbook it states: "Tenants have the right to have access to their personal money and funds, John Paul Apartments will not manage funds for tenants. Tenants are responsible to set up a third party rent payee if they are unable to manage finances, please see Social Services for a list of options of rep-payees." Staff are trained on this right at hire and as part of staff annually training on the HCBS rule and the Bill of Rights.</p> <p>This right is reviewed with the residents at the time of move-in. One resident interviewed reported that he manages his own money. He said, "My money, my choice". Another resident interviewed stated that their finances are being handled by family members.</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.44 Subdivision 1., "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (10) have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information;"</li> </ul> <p><b>Narrative:</b></p> <p>John Paul Apartments’ policies and procedures were reviewed and are compliant with this HCBS settings rule requirement. During the interview, the housing director confirmed this right is reviewed with the resident upon move-in. The Tenant Handbook states, “All financial, personal, health and medical information will be kept private and secured.”</p> <p>Staff are trained annually on the Bill of Rights and the HCBS Rule. One staff stated that protecting people’s privacy should be at the top of the list of “dos”. Staff were observed knocking before entering rooms and also taking people aside and away from others to talk to them. Each person has a private mailbox that the setting does not have access to ensure privacy regarding their mail.</p>	<p>Compliant</p>
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<p>During interviews, residents were asked if they felt staff respected their privacy, and their responses were, “Yep! They always knock”. Another resident stated, “Well I just need to push the button and lock the door to get privacy”.</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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.44 Subdivision 1, “(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (13) be treated with courtesy and respect, and to have the client's property treated with respect;”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with this HCBS requirement. Staff are trained on the HCBS rule and the Bill of Rights at hire and as part of staff annual training. One staff person stated during the interview that a lot of the training they receive is related to treating people with respect. She said the company makes it a priority.</p> <p>The Tenant Handbook states, “Each tenant has the right to dignity, respect, and for tenant’s property to be respected.”</p> <p>Observations were made during the on-site assessment of residents being treated with dignity and respect while interacting with staff. Observed a staff person sit down to talk to a resident so they could be eye to eye during the conversation.</p> <p>This right is reviewed with the resident upon move-in. When interviewing residents, they were asked if they were treated with respect. One resident said, “I can’t complain, everyone here is really good to me.” Another resident responded, “They are good to us, they listen to us and take care of things, and us.”</p>	<p>Compliant</p>

**The setting ensures people’s freedom from coercion and restraint.**

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 requirement: 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.”
- State statutory requirement: As required under Mn Statute 325F.722 Subd. 7., “Residents must be free from any physical or chemical restraints imposed for purposes of discipline or convenience.”

**Narrative:**

Setting’s policy/procedure was reviewed and is compliant with this HCBS settings rule requirement. Staff receive annual training on the HCBS rights which includes this right. Per policy, no restraints are used, and coercion is prohibited. The Tenant Handbook states, “Tenants have the right to be free from restraint and coercion.”

Residents receive the Bill of Rights upon admission, which includes this right.

Residents interviewed said they don’t feel like they are ever coerced.

Information on the local Ombudsman is available in a common area for people to take.



*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 type="checkbox"/> State license requirement: 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> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.44 Subdivision 1. (a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (2) receive care and services according to a suitable and up-to-date plan, and subject to accepted health care, medical or nursing standards and person-centered care, to take an active part in developing, modifying, and evaluating the plan and services.</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 256S.10 Subd. 3. Each participant's support plan must: (4) identify the participant's preferences for services as stated by the participant or the participant's legal guardian or conservator; (7) identify specific services and the amount, frequency, duration, and cost of the services to be provided to the participant based on assessed needs, preferences, and available resources.</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure was reviewed and is compliant with this HCBS settings rule requirement. The Tenant Handbook states that residents are “able to choose which activities they attend while residing at John Paul Apartments. 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.”</p> <p>Staff are trained on this right at hire, and as part of staff annually training on the HCBS rule and Bill of Rights. The Housing Director and staff confirmed during interviews, that people have choices about their schedule. One staff interviewed stated “It’s always their right to refuse to do anything. They can change their mind.”</p>	<p>Compliant</p>
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<p>This right is reviewed with the residents upon move-in. One resident interviewed said that she can decide what she wants to do and when and was glad because, “sometimes I just get tired and want a nap.” She stated that staff are willing to be flexible to make time for her nap and reschedule things like personal cares that need to be done if she’s tired. Another resident said during their interview, “Yeah, I like going to the casino. It’s not for everybody but I like it”.</p> <p>One resident interviewed said “I’m kind of a homebody. I like to hang out in my own space. They do remind me of upcoming things, but I don’t have to go.” One resident said that what she decides to do each day really depends on how her health is doing and that staff are flexible as needed.</p>	
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## Additional pictures of the HCBS setting



*Fish tank in common area*





*Area for residents to do puzzles or hobbies*

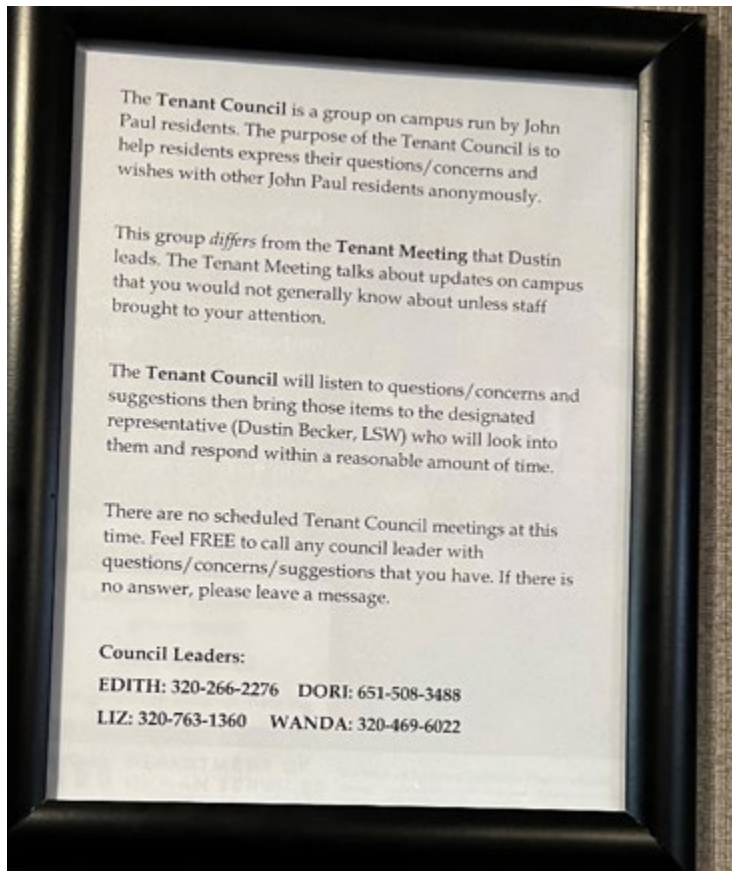


*Library and lounge area with books and tables*



*Klip and Kurl Beauty Shoppe*





The **Tenant Council** is a group on campus run by John Paul residents. The purpose of the Tenant Council is to help residents express their questions/concerns and wishes with other John Paul residents anonymously.

This group *differs* from the **Tenant Meeting** that Dustin leads. The Tenant Meeting talks about updates on campus that you would not generally know about unless staff brought to your attention.

The **Tenant Council** will listen to questions/concerns and suggestions then bring those items to the designated representative (Dustin Becker, LSW) who will look into them and respond within a reasonable amount of time.

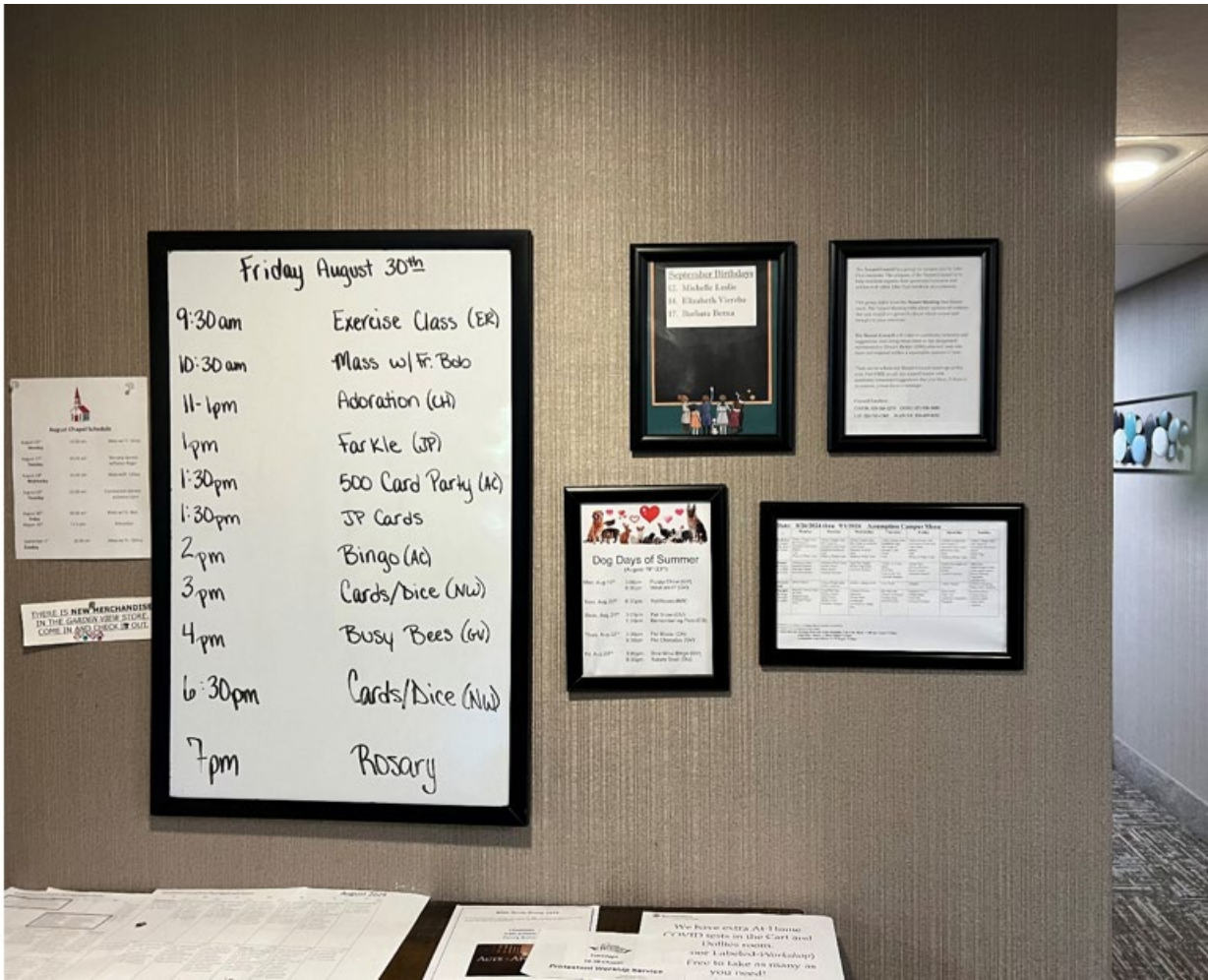
There are no scheduled Tenant Council meetings at this time. Feel FREE to call any council leader with questions/concerns/suggestions that you have. If there is no answer, please leave a message.

**Council Leaders:**

EDITH: 320-266-2276 DORI: 651-508-3488

LIZ: 320-763-1360 WANDA: 320-469-6022

*Information on the Tenant Council*



Area with daily activities, menus and other resources for residents



*Dining room with tables and chairs*





*Patio area*

## Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting. DHS sought public comments from 8:00am on October 16, 2024 to 4:00pm on November 15, 2024 before submitting settings to the Centers for Medicare & Medicaid Services (CMS) for heightened scrutiny.

DHS 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 [Oct. 16, 2024 eList announcement](#)
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AAA) via eList announcement
- Notification to long-term care ombudsman office via eList announcement

## Minnesota's recommendation

<b>Date of recommendation: November 18, 2024</b>
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.