

HCBS Final Rule Evidentiary Package

Oak View Apartments



Setting information

Setting name: Oak View Apartments

Street address: 1316 8th St N, New Ulm, MN 56073

Phone: (507) 354-2751

ID # 412983

Setting website, if applicable:

<https://oakhillsnewulm.com>

Date of site visit: 3/28/2024

Waiver service type

Waiver	Service type
<input type="checkbox"/> Alternative Care (AC) <input checked="" type="checkbox"/> Elderly Waiver (EW) <input type="checkbox"/> Brain Injury (BI) <input type="checkbox"/> Community Access for Disability Inclusion (CADI) <input type="checkbox"/> Community Alternative Care (CAC) <input type="checkbox"/> Developmental Disabilities (DD)	Customized living service

Reason for heightened scrutiny

Prong type	Name of institution
Prong 2 Located adjacent to a Public Institution	Oak Hills Living Center

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

General summary

<p>Geographic information:</p> <p>The Oak View Apartment building is in New Ulm, Minnesota. It is a part of the Oak Hills Living Center continuum of care campus found in a residential community located on the edge of the city of New Ulm and the campus is surrounded by trees. It is close to downtown New Ulm with restaurants, shopping, and other businesses.</p> <p>New Ulm is a suburban city located in southern MN in Brown County with a population of 14,120 people in the 2020 census.</p> <p>Number of people served:</p> <p>They have 12 apartments and currently serve 5 people on the Elderly Waiver and 7 private pay people.</p>

Customized living provider standards/qualifications

Licensure requirements and other state regulations for customized living services clearly distinguish these services/settings from institutional licensure or regulations.

Customized Living settings must have an Assisted Living license through the MN Department of Health and meet all of the requirements and standards of the Assisted Living licensure, [Minn. Stat. 144G](#) or meet an exemption under [Mn Statute 256S.20 Subdivision 1](#). Customized Living services provide an individualized package of regularly scheduled health-related and supportive services provided to a person who resides in a qualified setting with an assisted living license.

Customized living service definitions that support the setting requirements

Customized living (CL) and 24-hour CL services include component services designed to meet the person's assessed needs and goals. Individualized CL services may include supervision, home care aide tasks (e.g., assistance with activities of daily living), home health aide task_(e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting enrollees with arranging meetings and appointments, assisting with money management, assisting participants with scheduling medical and social services, and arranging for or providing transportation. If socialization is provided, it must be part of the service plan, related to established goals and outcomes and not diversional or recreational in nature.

For more details about the component services, including what is covered and distinctions between each see the following resource on the CBSM:

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

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

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

HCBS Rule requirement	Compliance determination
<p>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <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.” <p>Narrative:</p> <p>Oak Hills Living Center is stand alone, community owned, 501c3 non-profit retirement community “dedicated to bridging generations”. The campus is governed by a volunteer Board of Directors comprised of community members. Oak Hills Apartments is the building where waiver funded customized living services are provided. It is located in a separate building than the skilled nursing facility. There is a campus administrator that oversees the campus and a designated housing manager that oversees the assisted living and Oak View apartments.</p>	<p>Compliant</p>

<p>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.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with direct care staff. <input checked="" type="checkbox"/> Review of training policy and procedure(s). <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.” <p>Narrative:</p> <p>There are some staff that work in both the skilled nursing facility and customized living settings, but never work in both locations on the same shift. This was confirmed by staff interviews. Staff are trained on the HCBS rule through the orientation period and their employee handbook. It states they are expected to understand the Assisted Living Bill of Rights, and the expectations for different requirements of the HCBS rule are listed in the handbook under the sections of Resident Rights, Person Centered Care, and the Code of Ethics. The housing director stated that “staff are trained in the HCBS settings rule upon hire, annually and when there are any changes.”</p>	<p>Compliant</p>
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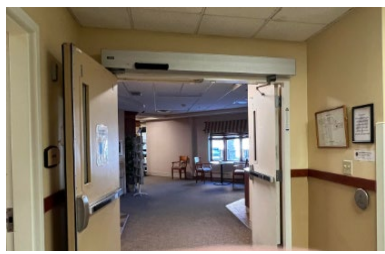
<p>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting to the exclusion of other options.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with direct care staff. <input checked="" type="checkbox"/> Review of transportation policy and procedure(s). <input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.41, “Upon request of the resident, the assisted living must provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance.” <p>Narrative:</p> <p>The setting has its own van they use to transport people to and from appointments and community activities. People can also choose to utilize the Brown county transportation company called Hermann Express, which operates like a city bus. Some people also use Uber or Lyft ride share applications. In addition, the setting has volunteer drivers and family will transport as well. Staff interviewed confirmed that staff do assist with setting up transportation and that there are transportation resources listed on the bulletin board for people to call on their own. If people need additional information they can go to management.</p>	<p>Compliant</p>
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The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.

Compliant

Validation methods:

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



The open door from inside of Oak View Apartments looking out into the lobby,



Aerial view with a red rectangle outlining the Oak Hills Living Center and the green rectangle outlines Oak View Apartments

Narrative:

Oak Hills Apartments are separated from the nursing facility by a lobby but within the same building. This photo shows the door open to the lobby from Oak Hills Apartments. There is also clear signage of which way to go to access each 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>The setting is selected by the individual from among a variety of setting options including non-disability specific settings.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with residents. <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. <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;” <p>Narrative:</p> <p>Case managers are required under State statute to offer and document all available options for living arrangements in the person’s support plan. Confirmation of this requirement was validated through interviews with residents at this setting. When one resident was asked why she chose this setting over others, she said that she wanted to be close to their children, and “this place looked nice.”</p>	<p>Compliant</p>

<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure(s). <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.” <p>Narrative:</p> <p>The resident handbook also states that they have their choice of community providers, including doctors and pharmacies.</p> <p>The people interviewed had community providers outside of the setting for medical needs. One man said that he feels like he is a part of the New Ulm community. Staff said that a lot of people, especially the ones that grew up around here like to keep their own doctors. Staff also said that many of the residents grew up around here and like to go “out and about” in town.</p>	<p>Compliant</p>
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<p>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of written lease or residency agreement <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. <p>Narrative:</p> <p>The setting has an Assisted Living Contract which is given to people when they move in and upon lease renewal. The people interviewed stated they signed a contract before they moved in.</p>	<p>Compliant</p>
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<p>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.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation of lockable unit doors during on-site visit <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) <p>Narrative:</p> <p>The Resident Handbook also informs people of the following:</p> <p>“You have the right to privacy within your apartment. Staff will respect resident/clients' privacy by knocking or requesting permission to enter a residents/clients’ apartment. The resident handbook also states residents will receive keys and any codes necessary for entering the building after hours. The resident handbook also states that only people who have a legitimate reason and need access to their apartments will have a key.</p> <p>During the on-site visit, observed people locking their doors when they left their apartments. People interviewed said they had their own keys and that they were able to lock their doors any time they wanted to, and that staff always knock before entering.</p> <p>When interviewed, staff stated they always knock before entering a person’s apartment. She also said that they were taught to only enter a person’s apartment when it’s necessary, and that it’s like someone entering our homes.</p>	<p>Compliant</p>
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<p>They said that the staff are reminded that they are working in someone’s home. Staff said they treat the residents like they would treat family.</p>	
<p>The setting facilitates that a person, who shares a bedroom/unit, is with a roommate of their choice.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <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.” <p>Narrative:</p> <p>The administrator stated that the residents get a copy of the MN Assisted Living Bill of Rights upon move-in, which outlines this right. Staff are also trained on this Bill of Rights to inform them people have this right.</p>	<p>Compliant</p>

The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.

Compliant

Validation methods:

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

Narrative:

The resident handbook states people can decorate their units the way they would like to. During the on-site visit, it was observed that people's units were decorated with their own personal items and preferences. Individual decorations were also observed outside people's apartment doors.



A door with baseball decoration hanging on it.



Bedroom decorated with the person's personal belongings.

<p>The setting provides people the freedom and support to control their daily schedules.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting's policy and procedure <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." <p>Narrative:</p> <p>The employee handbook also states that "Honoring resident preferences, schedule, and choices is important to person-centered care". The handbook also states that even if staff disagree with a choice or preference it's "the person's decision and will be honored."</p> <p>People interviewed reported that staff do listen to them and that they can move times around for things like personal cares if they don't want to do it at the scheduled time. When asked if people can make their own choices regarding their schedules, the staff said "of course!"</p>	<p>Compliant</p>
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<p>The setting provides people access to food at any time.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation during on-site visit <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." <p>Narrative:</p> <p>In the employee handbook, it states that one of the parts of “providing person-centered care at Oak Hills includes the following: Honoring resident meal choices and food preferences by offering a variety of food options and alternatives throughout the day and night.” The setting offers a “Available Anytime Menu”. This information is provided to residents in the resident handbook. In addition to the food people may store in their apartment, there is also a deli open during business hours that people may purchase food from. To accommodate schedule changes, staff will save a person’s dinner or suggest they order off the “Available Anytime Menu or grab a snack for someone if they are hungry.</p>	<p>Compliant</p>
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<p>The setting allows people to have visitors at any time.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation of people coming and going during on-site visit <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): <p>Narrative:</p> <p>This setting’s resident handbook states, “Residents/clients get to choose who their guests are and have privacy during their visits without any restrictions on the time of visits or where they visit their guest unless legal restrictions apply”.</p> <p>The setting offers the option to use certain areas for private parties.</p> <p>Employee handbook states that “Residents have the right to private and unrestricted communication with family, friends, and other visitors”.</p> <p>People interviewed stated they knew they didn’t have restrictions on visitors. Staff reported there are no restrictions on visitors and that they are always happy to see that residents have visitors.</p>	<p>Compliant</p>
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<p>The setting provides opportunities for people to volunteer or seek employment and work in competitive integrated settings.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <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.” <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.” <p>Narrative:</p> <p>Setting’s policy/procedure is compliant. The resident handbook states that following regarding tenants and employment.” Residents/Clients living at Oak Hills Assisted Living and/or clients receiving services through Oak Hills Home Care can seek employment of their choice to assist with financial costs. Oak Hills Living Center will accommodate the resident/client’s employment schedule to provide services.”</p>	<p>Compliant</p>
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<p>The setting is physically accessible to the individual.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation made during on-site visit <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.” <p>Narrative:</p> <p>In the resident handbook it states that the setting complies with all accessibility standards per the Americans with Disabilities Act, and that people can request accommodation related to accessibility.</p> <p>During the on-sit visit, accessible, wide hallways, and accommodations such as grab bars and personal mobility equipment (such as wheelchairs) moving throughout the setting without any issues were observed. People interviewed reported they had no problem getting around their apartment or the building. Staff interviewed stated they know what to do if a person requests accommodations so they can be safe.</p>	<p>Compliant</p>
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Bathroom inside an apartment with grab bars



Wide hallway for easy navigation.

Any modification of the rights specified in HCBS rule under [441.301\(c\)\(4\)\(vi\)\(A\) through \(D\)](#) must be supported by a specific assessed need and documented in the person-centered plan/ HCBS Rights Modification Support Plan Attachment.

Validation methods:

- Interview(s) with administrative staff.
- Review of person’s support plan if a rights modification is in place.
- N/A. No residents at this setting, enrolled in Elderly Waiver, have a need for a Rights Modification at this time.
- 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.”

Narrative:

At this time, no one in this setting has a rights modification.

Compliant

<p>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure, activity calendar(s) <input checked="" type="checkbox"/> Observation of residents’ units during on-site visit <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." <p>Narrative:</p> <p>The resident handbook states: “You are also encouraged to share with staff or volunteers the activities and programs that may interest you. These may include community outings, special events, parties, indoor and outdoor games, intergenerational groups, and various small special interest groups”.</p>	<p>Compliant</p>
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People living at Oak Hills Apartments are very independent and spend a lot of time in their community. This was confirmed by the people that live there as well as the staff and administrator. Some still drive and like to stay to active in the New Ulm area. One person interviewed stated that he likes to “go out and do things” in the community almost daily. He still drives and “gets up and just goes” where he wants to. The setting arranges community-based activities as well. The community activities are posted on a bulletin board and people can sign up for events that they are interested in attending. Oak Hills Apartments hold resident/family meetings that include feedback on these experiences A person interviewed stated that staff come around and remind them when activities are happening in case they forgot.

List of community-based activities:

- Drives to see fall leaves
- Going out to eat at restaurants
- Oktoberfest activities
- State Street Theatre
- Music in the Park
- Brown County Fair
- Holiday lights tour
- “Let’s go fishing”
- Drives to see how the crops are growing



Photo of bulletin board with calendars and other information

People go out independently with family, friends, or other residents of Oak View often, some as often as daily. When interviewing the residents, staff, and administrators, they stated that the people are always “coming and going” to different activities. Some examples they gave of activities they participate in are:

- Birthdays, graduations, baby showers, and other family celebrations
- Out for drives
- Restaurants
- Shopping
- Dates with significant others
- Casino trips

This setting also owns a catering company that caters for special events. They sell some of the same food in their deli. One person interviewed stated that visitors come to the setting to buy the food and sometimes he coordinates his lunch schedule with them so they can eat in the deli together.

<p>The setting supports the person’s control of personal resources to the same degree as individuals not receiving Medicaid HCBS.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to control personal resources." <p>Narrative:</p> <p>The setting provides people with a copy of the Mn Assisted Living Bill of Rights upon move in which outlines this right to control their own resources.</p> <p>Staff are trained on the person’s rights to control their own resources through the MN Assisted Living Bill of rights.</p> <p>The people that I spoke with managed their own finances and resources, so didn’t have experience with the setting assisting them.</p>	<p>Compliant</p>

<p>The setting ensures people’s right to privacy.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation during on-site visit <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." <p>Narrative:</p> <p>The Resident Handbook also informs people of the following: “You have the right to privacy within your apartment. Staff will respect resident/clients' privacy by knocking or requesting permission to enter a residents/clients’ apartment. This also includes privacy while you receive personal care. You have the right to make and receive phone calls, email, text, and other personal communication. If this cannot be accomplished within your own apartment, please speak to Management and arrangements will be made for you. All resident personal and financial documents will be kept in a secure area. Resident/Client files will be accessible only to authorized Oak Hills individuals.”</p> <p>During the on-site visit, observed people locking their doors when they left their apartments. People interviewed said they had their own keys and that they were able to lock their doors any time they wanted to, and that staff always knock before entering.</p>	<p>Compliant</p>
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<p>Staff are trained on the person’s rights to privacy through the MN Assisted Living Bill of rights. There are many other areas in the employee handbook that they address the issue of privacy of the people living there.</p> <p>All the items listed above that are in the resident handbook are also listed in the employee handbook as rights the residents have when they live there.</p> <p>When interviewed, the people who live there said that the staff are great and that they always respect people’s privacy. One person said “Oh yes, I never worry about that! Staff are so good”. I specifically asked about when cares are given, and the people interviewed said they always close the doors and are careful about being respectful.</p>	
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<p>The setting ensures people’s dignity and respect.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation during on-site visit <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." <p>Narrative:</p> <p>Setting’s policy and procedure is compliant. People get a copy of the Mn Assisted Living Bill of Rights upon move in which outlines this right to be treated with dignity and respect.</p> <p>Staff are trained on the Mn Assisted Living Bill of Rights which outlines this right to be treated with dignity and respect.</p> <p>The employee handbook includes the following regarding dignity and respect.</p> <p>“As we think about the ways we treat others and work at Oak Hills Living Center, it is important to remember some key principles and ethics. We are in the business of caring for others and the golden rule is important to always keep in mind; “Treat others as you yourself desire to be treated.”</p> <p>You are obligated to treat others respectfully, openly, and honestly.”</p> <p>“All our residents have made Oak Hills Living Center their temporary or permanent home, and it is important that we respect first and foremost the privacy and dignity of those who reside at Oak Hills Living Center.</p>	<p>Compliant</p>
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<p>The setting ensures people’s freedom from coercion and restraint.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation during on-site visit <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>Narrative:</p> <p>People are given the MN Assisted Living Bill of Rights upon move in which describes their right to be free from coercion and restraint.</p> <p>Staff are trained on resident rights and how to report any violations if they observe them. People are given information on how to report anything that they feel violates their rights. When interviewed, staff reported they would report right away if they saw anything that seemed to be coercion and/or restraint. Staff also reported that they are aware that they are mandatory reporters.</p>	<p>Compliant</p>
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<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Interview(s) with residents. <input checked="" type="checkbox"/> Review of setting’s policy and procedure <input checked="" type="checkbox"/> Observation made during on-site visit <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.” <p>Narrative:</p> <p>Setting’s policy/procedure is compliant.</p> <p>People receive the MN Assisted Living Bill of Rights, which has rights listed related to people making their own choices in all areas of their lives. People are made aware of these rights. When residents move in, they get information about the HCBS rule prior to admission, at admission and with any changes that are made.</p> <p>The employee handbook talks specifically to staff about how they can help people exercise their rights. The handbook also states that even if staff disagree with a choice or preference “the person’s decision and will be honored.”</p> <p>When interviewed about whether they feel like they make their own decisions about their life, one person responded, “Oh yeah, I do my own thing. They know that.” Another person said, “I make my own decisions”.</p>	<p>Compliant</p>
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Additional pictures of the HCBS setting



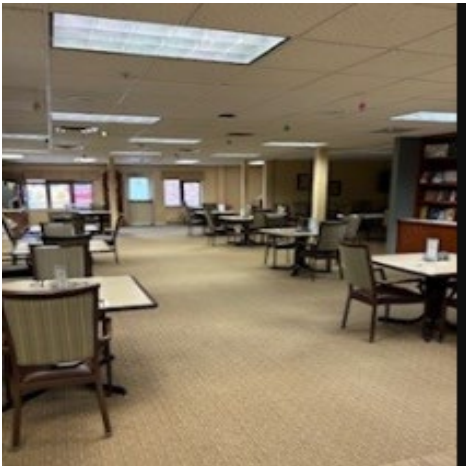
Cooler of food for people to purchase



Full kitchen in apartment



Patio outside apartment



Dining room



Living room in unit



Lounge area

Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting. DHS sought public comment from 8:00am on July 3, 2024, to 4:00pm on August 2, 2024, before submitting settings to the Centers Medicare & Medicaid Services (CMS) for heightened scrutiny.

We sought public comments using the following methods:

- Evidentiary packages posted online on the [Home and Community Based Services Rule transition plan - Requirements for new HCBS settings page](#)
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [July 2, 2024, eList announcement](#)
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via eList announcement
- Notification to long-term care ombudsman office via eList announcement

Minnesota's recommendation

Date of recommendation: August 5, 2024

Minnesota supports that this setting overcomes the institutional presumption and meets the requirements of a home and community-based setting. Provider is required to maintain on-going compliance with all HCBS requirements.