

# HCBS Final Rule Evidentiary Package

Sacred Heart Assisted Living



## Setting information

**Setting name:** Sacred Heart Assisted Living

**Street address:** 1200 12th Street Southwest, Austin, MN 55912

**Phone:** 507-403-1808

**ID #** 1912155839

**Setting website, if applicable:**

[Sacred Heart Assisted Living](#)

**Date of site visit:** 6/20/2024

## 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 1 Located in a Public or Private Institution	Sacred Heart Care Center

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

## General summary

### **Geographic information:**

Sacred Heart Assisted Living is a licensed assisted living facility, located on the Sacred Heart campus, a senior living community in Austin, MN. The campus offers other services including skilled nursing and an adult day program. Austin is located the southeastern part of Minnesota, in Mower County. As of the 2020 Census, Austin had a population of 26,174 people.

This setting is located in a suburban, residential area with shopping, restaurants, and other services only one mile away.

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

Sacred Heart Assisted Living has 26 units. At the time of the site visit, this setting had 22 residents. Of those 22 residents, 6 are enrolled in Elderly Waiver for their customized living services, and the remaining residents are paying with private funds.

## Customized living provider standards/qualifications

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

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

## Customized living service definitions that support the setting requirements

Customized living (CL) and 24-hour CL services include component services designed to meet the person's assessed needs and goals. Individualized CL services may include supervision, home care aide tasks (e.g., assistance with activities of daily living), home health aide task (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting enrollees with arranging meetings and appointments, assisting with money

management, assisting participants with scheduling medical and social services, and arranging for or providing transportation. If socialization is provided, it must be part of the service plan, related to established goals and outcomes and not diversional or recreational in nature.

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

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

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

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

<p style="text-align: center;"><b>HCBS Rule requirement</b></p>	<p style="text-align: center;"><b>Compliance determination</b></p>
<p><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.10, “Each assisted living facility must employ an assisted living director licensed or permitted by the Board of Executives for Long Term Services and Supports.”</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living is one of several settings on the continuity of care campus. It is a licensed assisted living facility and although the building is a separate building from the skilled nursing facility, they are connected by a hallway.</p> <p>Per interview with the Licensed Assisted Living Director (LALD), the campus administrator has authority over all settings on the campus. The assisted living building has its own Licensed Assisted Living Director, who has authority over the nursing and direct care staff in the assisted living setting. The nursing services staff at the assisted living are not shared with the skilled nursing setting. The assisted living also has a designated staff position for planning activities and outings. This position has recently changed from a part time to a full-time position. The skilled nursing facility has separate direct care staff, nursing, and management.</p>	<p>Compliant</p>

<p><b>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross trained to meet the same qualifications as the HCBS staff.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of training policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.60, “All staff persons providing assisted living services must be trained and competent in the provision of services consistent with current practice standards appropriate to the resident's needs and promote and be trained to support the assisted living bill of rights.”</li> </ul> <p><b>Narrative:</b></p> <p>During interviews, LALD and staff reported that the full-time staff at the assisted living and at the skilled nursing facility do not work outside of their designated work setting. Full-time staff are hired to work in one setting or the other and are not shared between settings. There are on-call staff that can work in either setting. The LALD confirmed that all staff that work in the assisted living setting receive annual training on the requirements of the HCBS rule.</p>	<p>Compliant</p>
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**Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting to the exclusion of other options.**

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with direct care staff.
- Review of transportation policy and procedure(s).
- State license requirements: As required under Mn Statute 144G.41, "Upon request of the resident, the assisted living must provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance."

**Narrative:**

Sacred Heart Assisted Living's transportation policy and procedure was reviewed and is compliant. During interviews, both the LALD and direct care staff stated that the residents use a variety of types of transportation.

There are some residents that still drive, but the additional transportation options include the local Dial-A-Ride that is called SMART Transit. They have regular routes, as well as an on-demand option for destinations outside of the regular routes. Some residents prefer to use the AB Taxi company. In addition, family, and volunteers transport residents. Residents are given these options at the time of their move-in and as requested. The direct care staff interviewed stated they help people set up transportation if they need assistance. The residents interviewed confirmed that they knew of the different options and knew that staff were available to assist in setting up rides as needed.



*SMART Transportation Logo*

Compliant

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

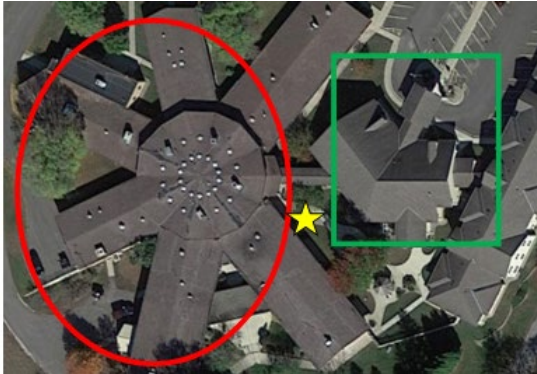
Compliant

**Validation methods:**

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

**Narrative:**

Sacred Heart Assisted Living provides customized living services in a building that is separate from the skilled nursing facility. In the aerial view shown, the red circle is indicating the nursing facility's location, while the green rectangle shows the location of the assisted living building. Though they operate in separate buildings, the two settings are connected by a walkway as indicated by the yellow star on the aerial view photo.



*Aerial view of the Sacred Heart campus*



*Sign indicating direction to the nursing home.*





*Yellow arrow indicating the hallway connecting the two settings.*



*Doorway connecting the assisted living to skilled nursing facility.*

## **Prong 1 and Prong 2 settings**

### **Meaningful distinction between the facility and HCBS setting.**

States must submit strong evidence that the setting presumed institutional has the characteristics of a HCBS setting and not an institutional setting.

### **HCBS characteristics**

This section is a summary of the individual HCBS characteristics required in the HCBS rule. The findings for each characteristic are identified through the setting documentation, on-site observations, and interviews.

<p style="text-align: center;"><b>HCBS Rule requirement</b></p>	<p style="text-align: center;"><b>Compliance determination</b></p>
<p><b>The setting is selected by the individual from among a variety of setting options including non-disability specific settings.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> MnCHOICES support plan requirements: In the “What I Want my Life to Look Like” section of the support plan, using person-centered principles, the case manager/care coordinator must describe the person’s choice about housing. The case manager/care coordinator must have a conversation with the person for each of the statements on the signature sheet to ensure they understand what they are agreeing to and have the necessary information to make an informed choice. The case manager/care coordinator selects yes or no for each statement. If the person answers ‘no’ the case manager/care coordinator must review the content again in another format or discuss further with the person.</li> <li><input checked="" type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Mn Statute 256B.0911, Subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (iii) living arrangements; (v) service provided in a non-disability-specific setting;”</li> </ul> <p><b>Narrative:</b></p> <p>Case managers are required under State statute to offer and document all available options for living arrangements in the person’s support plan.</p> <p>The residents interviewed said they chose the setting they were going to live in. One resident interviewed reported they grew up in this city and wanted to stay close to home so they could see their friends and family. Another resident interviewed said that she had worked at the skilled nursing facility and stated, “I knew right away that I would be at the assisted living at Sacred Heart when that time came.”</p>	<p>Compliant</p>

<p><b>The setting facilitates individual choice regarding services and supports, and who provides them.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91,Subd. 24., “Residents have the right to be informed by the assisted living facility, prior to executing an assisted living contract, that other public and private services may be available, and that the resident has the right to purchase, contract for, or obtain services from a provider other than the assisted living facility.”</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s transportation policy and procedure was reviewed and is compliant. The LALD confirmed that residents have this right which is included in the Assisted Living Bill of Rights. During interviews, staff stated that the residents go to their own chosen doctors and dentists.</p> <p>The assisted living contract includes the following information, “Resident is free to make arrangements for health-related and supportive services with the appropriate provider of Resident’s choice, regardless of whether or not Sacred Heart has a relationship with that provider. Provider has available a list of those outside service providers with whom it currently has relationships. Provider will supply a copy of list for Resident upon request”.</p> <p>During resident interviews, residents stated that they continue to go to their doctors that are in the community, as well as access services in the community like haircuts. One resident said she gets her hair done in the beauty shop on site but knows she could go to the one in town if she wanted.</p>	<p>Compliant</p>
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<p><b>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of written lease or residency agreement</li> <li><input checked="" type="checkbox"/> State license requirements: This setting submitted a compliant Assisted Living lease/contract as required under MN Statute 144G.50 – 144G.57. MN Statute 144G.11 states, “Assisted Living facilities are subject to and must comply with Chapter 504B.” The lease/contract is required to be signed by the setting and the person receiving services or their representative.</li> </ul> <p><b>Narrative:</b></p> <p>The LALD confirmed during interview that residents receive a copy of the contract for review prior to signing and/or moving into the setting. The contract was sent to the state to review, and it was compliant with the state’s landlord tenant laws and HCBS requirements.</p> <p>During the interviews with residents, they confirmed got a copy of the lease and had an opportunity to ask questions before they signed and moved in. One resident said, “I sure did!” when asked about participating in signing the lease.</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 checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91,Subd. 13., “(a)Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan. (b) Residents have the right to have and use a lockable door to the resident's unit. The facility shall provide locks on the resident's unit. Only a staff member with a specific need to enter the unit shall have keys. This right may be restricted in certain circumstances if necessary for a resident's health and safety and documented in the resident's service plan.” (Refer to Rights Modification section)</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s privacy policy and procedure was reviewed and is compliant. The LALD confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights. Staff are trained annually on the requirements of the HCBS rule, including their right to privacy. The LALD showed the reviewer a new lock box that was purchased that they will be using to lock up keys. Staff must have the combination to acquire keys and they will only be able to access them when needed to perform their job duties.</p> <p>Locks were observed on all the front doors of the units. Residents interviewed stated they can lock their door when they want privacy or are away. One resident stated, “I don’t like leaving my door unlocked when I leave, even if I am still in the building”. Another resident stated “Yep, I can lock it. I don’t always do it, but I can”. When asked if staff respect their privacy, residents interviewed stated “Oh definitely!” Another resident said, “Oh yeah, they are big on privacy here”.</p>	<p>Compliant</p>
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*Locked key box*



*Resident's apartment door showing decorations and lockable door handle*

<p><b>The setting facilitates that a person, who shares a bedroom/unit, is with a roommate of their choice.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, “Residents have the right to choose a roommate if sharing a unit.”</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure on roommates was reviewed and is compliant. Staff are trained annually on the requirements of the HCBS rule, including the right to choose a roommate. The LALD confirmed that residents are provided this right as required in the Assisted Living Bill of Rights. Staff stated that no one currently shares a room except if they are married or are a family member.</p> <p>During interviews with residents, they stated that even though they do not have roommates at this time they are aware of their right to choose if they did.</p>	<p>Compliant</p>
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**The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.**

Compliant

**Validation methods:**

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

**Narrative:**

Sacred Heart Assisted Living's policy and procedure on resident's decorating their unit was reviewed and is compliant. Observed living units decorated uniquely with personal items such as pictures, ceramic figurines, and other decorative items. The LALD confirmed during interview that residents are allowed to decorate their units how they would like, as required by the Assisted Living Bill of Rights. Staff are trained annually on the requirements of the HCBS Rule, including the right to furnish and decorate.

During resident interviews, one resident stated, "Oh yes, they said I could bring what I wanted to decorate my place when I moved in".



*Family photos and a flag picture in the kitchen.*





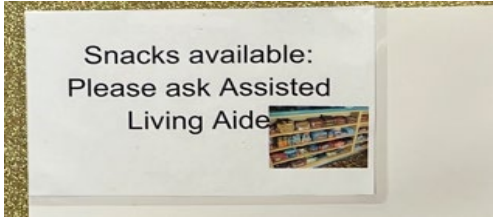
*Crystal and China collection in resident apartment.*



Resident's living room area decorated with personal belongings.

<p><b>The setting provides people the freedom and support to control their daily schedules.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to individual autonomy, initiative, and independence in making life choices, including establishing a daily schedule and choosing with whom to interact."</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedures were reviewed and is compliant. The LADL confirmed in the interview that people can choose their daily activities as required by the Assisted Living Bill of Rights, and that there is flexibility about when cares and other activities occur according to resident preferences. Direct care staff said that they come back or reschedule cares if the resident does not want to do them at the time they arrive. Staff are trained annually on the requirements of the HCBS Rule, including individual autonomy.</p> <p>The staff use a tablet system. If there are preferences or changes to people’s schedules, “tasks” or prompts pop up on the screen when staff log in. These tasks are signed off by staff to ensure they know about changes.</p> <p>One of the residents stated during an interview that, “I pretty much do what I want around here”. Another resident stated that “Staff are nice if I don’t want to do something like shower right when they get there. They will come back.”</p>	<p>Compliant</p>
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<p><b>The setting provides people access to food at any time.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to access food at any time. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan."</li> </ul> <p><b>Narrative:</b></p> <p>Staff are trained annually on the requirements of the HCBS Rule, including the right to access food at any time. Sacred Heart Assisted Living’s policy regarding food at any time was reviewed and is compliant. In addition to the three meals and two snacks offered per day, the LALD confirmed during the interview that residents can ask any staff for food at any time and receive a sandwich, some soup or other snack.</p> <p>The staff interviewed stated that if a resident asks them for food outside of meals times, they just go to the kitchen and ask for the food and bring it to the resident. One staff stated there are snacks they can bring directly to the resident.</p> <p>Sacred Heart Assisted Living’s contract says this about anyone who might miss a meal, “Accommodations will be made for a resident who may miss a regular mealtime, meal plates can be saved and reheated at the resident’s convenience, or a snack may be requested.” The units have a kitchenette with a small refrigerator, sink, cupboards, and counter space. Many residents bring in their own microwaves to use as well.</p> <p>Residents interviewed stated that they are aware they can ask for food in between meals, and that they keep their own snacks in their apartments as well. Observed signs on bulletin boards stating that snacks are available by request.</p>	<p>Compliant</p>
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*Sign noting snacks are available by request.*



*Coffee and juice are available at any time.*



*Kitchenette in resident's unit.*

<p><b>The setting allows people to have visitors at any time.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation of people coming and going during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to meet with or receive visits at any time by the resident's family, guardian, conservator, health care agent, attorney, advocate, or religious or social work counselor, or any person of the resident's choosing. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan." (See Rights Modification section):</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure was reviewed and is compliant. Staff are trained annually on the requirements of the HCBS Rule.</p> <p>The administrator confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights including the resident’s right to meet with or receive visits at any time from the resident's family, guardian, conservator, health care agent, attorney, advocate, religious or social work counselor, or any person of the resident's choosing.</p> <p>Residents confirmed during interviews that their visitors come when they choose and are not limited or restricted to visiting hours. Residents can visit with their friends/family in privacy in their own units or in any shared space within the building. One resident stated during an interview that she usually like stay in her apartment with visitors but knows she can go to any common area if she would prefer to visit there. Another resident stated, “There is no restriction on that, far as I know”.</p>	<p>Compliant</p>
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*One of the lounge areas that people can use if they choose when visitors come.*

<p><b>The setting provides opportunities for people to volunteer or seek employment and work in competitive integrated settings.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Mn Statute 256B.0911, Subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers.”</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents.”</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure was reviewed and is compliant. Staff are trained annually on the requirements of the HCBS Rule. Administration and staff reported during interviews that there are not residents who choose to volunteer or work at the setting at this time, but the setting would be flexible to help residents be successful in a work or volunteer experience if they chose to.</p> <p>In the assisted living contract that is reviewed and signed by residents, it states “Resident has the right to participate in their choice of employment, if they wish. This setting and the services that we provide support flexible scheduling, including accommodating a person’s work schedule as appropriate, and delivering services in a way that complements a person’s schedule.”</p> <p>In interviews with residents, when asked if they wanted to work or volunteer, one of them said “No way, I am enjoying my retirement”. And another said, “I’m too tired for that”. They did state they knew they could if they wanted to.</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 checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.11 “Assisted living facilities:(1) are subject to and must comply with chapter 504B;” and MN Statute 363A.10, Subdivision 1. Reasonable modifications/accommodations. “For purposes of section 363A.09, discrimination includes:(1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear; (2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.”</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy was reviewed and is compliant. Staff are trained annually on the requirements in the HCBS Rule. The LALD confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights. The LALD and staff report the setting is fully accessible to the residents. Accommodations will be made for people if they request them. Observed wide hallways, handrails, grab bars and shower chairs in people’s units.</p> <p>One resident interviewed stated “This place is very easy to get around” and another stated “There isn’t anywhere in the building that I have trouble getting into”.</p>	<p>Compliant</p>
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*Bathroom with grab bars*



*Accessible vanity in the bathroom with room for a wheelchair*

<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> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input type="checkbox"/> Review of person’s support plan if a rights modification is in place.</p> <p><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.</p> <p><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.911, “The resident's rights in section 144G.91, subdivisions 12, 13, and 18, may be restricted for an individual resident only if determined necessary for health and safety reasons identified by the facility through an initial assessment or reassessment under section 144G.70, subdivision 2, and documented in the written service plan under section 144G.70, subdivision 4. Any restrictions of those rights for people served under chapter 256S and section 256B.49 must be documented by the case manager in the resident's support plan, as defined in sections 256B.49, subdivision 15, and 256S.10.”</p> <p><b>Narrative:</b></p> <p>The LALD and staff report that the setting does not have any residents that are on the Elderly Waiver that have a rights modification in place at the time of the site visit. Proper documentation will be in case file if there is someone with a rights modification in the future.</p>	<p>Compliant</p>
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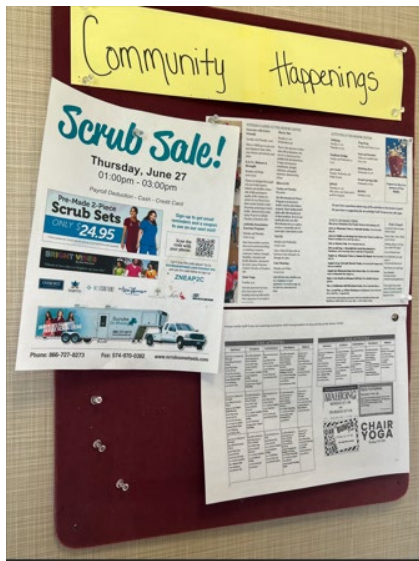
<p><b>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure, activity calendar(s)</li> <li><input checked="" type="checkbox"/> Observation of residents’ units during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents."</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure was reviewed and is compliant. Staff are trained annually on the requirements in the HCBS Rule. LALD confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights, including the residents right to engage in community life and in activities of their choice.</p> <p>The LALD stated that when people move-in, they are asked about what kinds of activities they would like to attend. In addition, there are monthly resident meetings where they can give input into what kind of events, they are interested in.</p> <p>The assisted living has its own activity staff that helps plan and coordinate activities. Throughout the setting, there are multiple bulletin boards with information about Sacred Heart Assisted Living and community events happening.</p> <p>Staff assist residents to set up transportation for events they would like to attend in the community. The assisted living residents also enjoy attending community activities and events offered by the Mower County Senior Center. One resident interviewed said “I like having all of these options of what to do, it’s nice to choose”. Another resident stated he doesn’t like to necessarily attend a lot of activities but prefers to do more solitary activities like walks to nearby places.</p>	<p>Compliant</p>
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Having a variety of choices helps ensure that people can participate in activities that they are truly interested in.

Community activities that have been offered by Sacred Heart Assisted Living and the senior center include:

- Drives to see Christmas Lights
- Shopping at Walmart
- Drives around the Lake
- County Fair visits
- Dairy Queen trips
- Cookouts
- Book clubs
- Father's Day lunch
- Cooking classes
- Exercise classes like Yoga, Tai Chi and "Moving Stix".
- Games like Mah Jong, Bunco, 500, Bridge and Bingo
- Line Dancing
- Ping Pong

Residents report leaving Sacred Heart Assisted Living frequently to attend events with family, like birthdays, graduations, baby showers and weddings. Residents will take a taxi out to go shopping or to the beauty salon. One resident goes out to lunch every week with her friends "Ladies who lunch". Residents who drive will also invite their friends to join them for shopping or activities. Onsite activities are offered as well. These include various arts and crafts, card games, exercise, Bingo, religious services, and movies.



Bulletin board with community events posted including the senior center calendar.



Bulletin board with information and activities posted.

<p><b>The setting supports the person’s control of personal resources to the same degree as individuals not receiving Medicaid HCBS.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to control personal resources."</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy was reviewed and is compliant. Staff are trained annually on the requirements of the HCBS rule. LALD confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights, including the right to control personal resources. The Assisted Living Bill of Rights is given to residents at move-in.</p> <p>The LALD stated the setting does not manage residents’ money in terms of paying bills etc. but that some residents have requested to have a small amount of petty cash held by Sacred Heart Assisted Living to use for monthly pizza parties and other small purchases. If residents do have a petty cash account held by provider, they are able to access that money at any time.</p> <p>During interviews with residents, they confirmed that the provider does not control their money except for the petty cash accounts. They stated that they just have to ask for it when they want cash. One resident interviewed said she has her own bankcard and uses it as she wishes. Another resident said his son takes care of his money and paying his bills.</p>	<p>Compliant</p>
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<p><b>The setting ensures people’s right to privacy.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan." "Residents have the right to respect and privacy regarding the resident's service plan. Case discussion, consultation, examination, and treatment are confidential and must be conducted discreetly. Privacy must be respected during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance." "Residents have the right to communicate privately with persons of their choice."</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure was reviewed and is compliant. Staff are trained annually on the requirements of the HCBS Rule. The LALD confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights, including the resident’s right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being.</p> <p>Observed locks on the residents’ doors, as well as staff knocking and waiting for a response before entering their unit. Staff reported that they would never discuss personal details of a resident or their care where it could be overheard. I heard one staff person ask a resident if they wanted to continue a conversation in private when the conversation was about a personal issue.</p> <p>In interviews with residents, they reported that they feel staff respect their privacy. One resident said, “They won’t tell us anything about someone else, even if we ask about them, like if they went into the hospital or something”.</p>	<p>Compliant</p>
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<p><b>The setting ensures people’s dignity and respect.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to be treated with courtesy and respect, and to have the resident's property treated with respect."</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure was reviewed and is compliant. The LALD stated during the interview that all staff are trained annually on the requirements of the HCBS Rule, including the requirement to treat every resident with dignity and respect. The LALD confirmed during interview that residents are afforded this right as required in the Assisted Living Bill of Rights.</p> <p>During interviews with residents, one stated, “All of the staff here are so nice to me!” another stated, “I love it here, it’s more like family.”</p>	<p>Compliant</p>
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<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under Mn Statute 144G.42, “The assisted living facility must comply with the requirements for the reporting of maltreatment of vulnerable adults in section 626.557. The facility must establish and implement a written procedure to ensure that all cases of suspected maltreatment are reported. And Mn Statute 144G.63, “proper orientation and annual training is given to staff on the Vulnerable Adults Act, as well as the Assisted Living Bill of Rights and staff responsibilities related to ensuring the exercise and protection of those rights.” Mn Rule 9555.7200 Subp.2, "Abuse" means: the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress”. The Elderly Waiver plan states, customized living services must, “Ensure that participants are treated with dignity and respect and are free from coercion and restraint.”</li> </ul> <p><b>Narrative:</b></p> <p>Staff are trained annually on the requirements of the HCBS Rule. The LALD confirmed during the interview that residents are afforded this right as required in the Assisted Living Bill of Rights. Residents get a copy of the Assisted Living Bill of Rights which details their right to be free of coercion and that restraints are not permitted. In addition to the Assisted Living Bill of Rights, Sacred Heart Assisted Living has its own policy about not using restraints titled “Emergency Use of Manual Restraints Not Allowed Policy”.</p> <p>Residents interviewed stated they knew it was their right to not be restrained or coerced.</p>	<p>Compliant</p>
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<p><b>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, “Residents have the right to individual autonomy, initiative, and independence in making life choices, including establishing a daily schedule and choosing with whom to interact.”</li> </ul> <p><b>Narrative:</b></p> <p>Sacred Heart Assisted Living’s policy and procedure was reviewed and is compliant. Staff are trained annually on the requirements of the HCBS Rule. The LALD confirmed during the interview that residents are afforded these rights as required in the Assisted Living Bill of Rights.</p> <p>Staff interviewed about these resident rights stated that “They make their own decisions” and another staff person said, “I do everything I can to make sure to accommodate when they want to do things like personal cares”.</p> <p>Residents interviewed stated that they feel they control their own schedules. One person said they have made a lot of friends and that she could hang out with her friends whenever she wanted. Another resident said, “I live day to day, and I don’t always know what I am going to want to do until that minute.” That same resident said staff have always respected her wishes.</p>	<p>Compliant</p>
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## Additional pictures of the HCBS setting



*Dining room*



*Gazebo*



*Aviary*



*Courtyard*

# 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)
- Notification to long-term care ombudsman office via eList announcement

## Minnesota’s recommendation

<b>Date of recommendation:</b> August 5, 2024
Minnesota supports that this setting overcomes the institutional presumption and meets the requirements of a home and community-based setting. Provider is required to maintain on-going compliance with all HCBS requirements.