

HCBS Final Rule Evidentiary Package

Oakland Park Communities Inc.



Front entrance to Oakland Park Communities Inc.

Setting information

Setting name: Oakland Park Communities Inc.

Street address: 123 Baken Street, Thief River Falls, MN 56701

Phone: 218-681-1675

ID # License # 419320

Setting website, if applicable:

[Oakland Park Communities Inc](#)

Date of site visit: 4/16/2026

Funding and waiver service type

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

Reason for heightened scrutiny

Prong type	Name of institution
Prong 1 Located in a Public or Private Institution	Oakland Park Communities Inc.

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

General summary

Geographic information:

Oakland Park Communités Inc. is located in a residential neighborhood that borders a city park.

The City of Thief River Falls, population 8,722, is located in rural Northwestern Minnesota in Pennington County, approximately 70 miles south of the Canadian border, where the Thief River flows into the Red Lake River.

The assisted living setting at Oakland Park Communités Inc. is newly established and pending enrollment with Minnesota Health Care Programs. The setting is located in an existing but separate section of the Oakland Park Communities skilled nursing facility.

Number of people served:

Oakland Park Communités Inc. is licensed for a capacity of 5 residents and currently has 3 residents residing in the setting.

Customized living provider standards and qualifications

Licensure requirements and other state regulations for customized living services clearly distinguish these services and 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 [Minn. Stat. 256S.20, subd. 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 tasks (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 in the Community Based Services Manual (CBSM): [CBSM: Resource: Customized living component service definitions and guide for computing time for rate-setting tools](#).

The CBSM provides the following requirements for CL services: [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> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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> <p><input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, “The person primarily responsible for oversight and management of the exempt setting, as designated by the owner, must obtain at least 30 hours of continuing education every two years of employment as the manager in topics relevant to the operations of the setting and the needs of its residents. Continuing education earned to maintain a professional license, such as a nursing home administrator license, assisted living facility director license, nursing license, social worker license, or real estate license, can be used to complete this requirement.”</p> <p>Narrative:</p> <p>There is one owner of the assisted living facility, where CL services are provided, and the skilled nursing facility. The customized living setting has a designated licensed assisted living director (LALD) that provides oversight and direction to the staff and manages the activities and health services provided at the setting.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<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/or procedure(s). <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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." <input type="checkbox"/> State license requirement: As required under Minn. Stat. 144A.44, subd. 1, "A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (12) be served by people who are properly trained and competent to perform their duties." <p>Narrative:</p> <p>The skilled nursing facility staff do not provide services at the assisted living facility.</p>	<p>Compliant</p>

Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options.

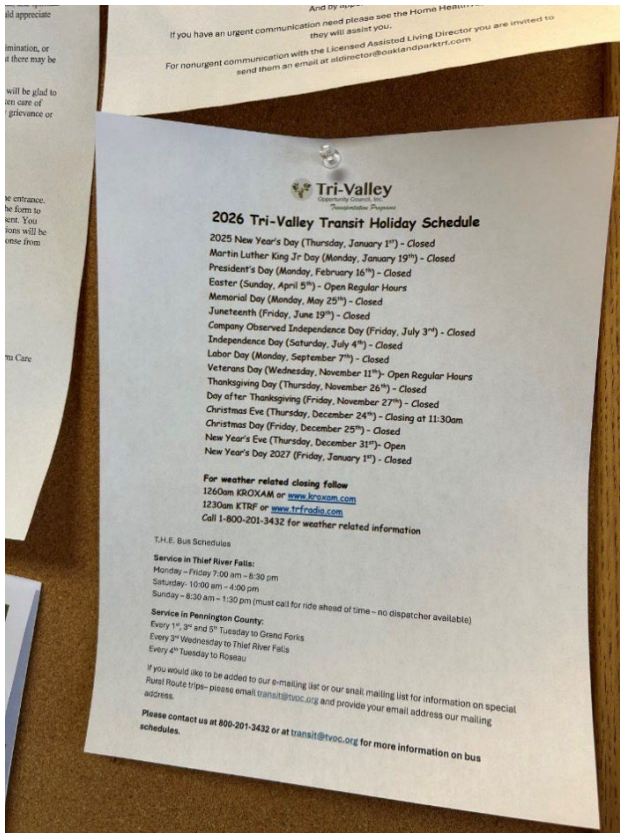
Validation methods:

- Interview(s) with administrative staff.
- Interview(s) with direct care staff.
- Review of transportation policy and/or procedure(s).
- State license requirement: As required under [Minn. Stat. 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.”
- State statutory requirement: As required under [Minn. Stat. 256S.09](#), “Elderly Waiver case management activities provided to or arranged for a participant include: (5) assisting the participant with gaining access to needed elderly waiver and other state plan services; (6) assisting the participant with gaining access to needed medical, social, educational, and other services regardless of the funding source for the services to which access is gained.”

Narrative:

Residents who live at this setting use many different means of transportation. These include the Tri-Valley Transit public bus system, a public taxi, and the setting’s owned bus. Family and staff also transport residents when individual trips are needed. Residents are informed about these options when they move in and whenever they request assistance with rides. The Tri-Valley bus schedule is also posted on the bulletin board near the front entrance of the building. Residents can request transportation to any of the staff at the setting. Residents report that they commonly prefer to use family for their transportation needs. One family arrived during the on-site visit to pick up a resident and bring her to her appointment.

Compliant



Tri-Valley Transit bus information

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

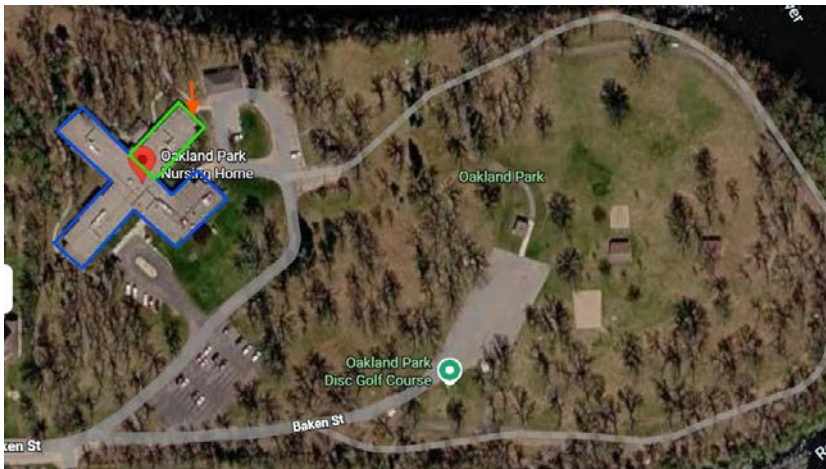
Compliant

Validation methods:

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

Narrative:

Oakland Park Communities assisted living (highlighted in green) provides CL services in a space that is distinct from the space used by the skilled nursing facility (highlighted in blue). CL services are provided in a separate section of the building that is connected to the larger complex via hallway with closed fire protection doors. Oakland Park Communities assisted living has a separate entrance (red arrow) and dedicated parking area separate from the nursing facility. There is also indoor signage indicating the separation from the skilled nursing building from the assisted living section.



Aerial view of Oakland Park Communities Inc.



Fire doors that separate the settings



Signage to the skilled nursing facility.

Prong 1 and Prong 2 settings

Meaningful distinction between the facility and HCBS setting

States must submit strong evidence that the presumed institutional setting 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> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input type="checkbox"/> MnCHOICES support plan requirements: In the “What I Want my Life to Look Like” section of the support plan, using person-centered principles, the case manager or care coordinator must describe the person’s choice about housing. The case manager or 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 or care coordinator selects yes or no for each statement. If the person answers ‘no’ the case manager or care coordinator must review the content again in another format or discuss further with the person.</p> <p><input type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Minn. Stat. 256B.0911, subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (iii) living arrangements; (v) service provided in a non-disability-specific setting.”</p> <p>Narrative:</p> <p>Case managers are required under state statute to offer and document all available options for living arrangement in the person’s support plan, including non-disability specific options. However, because this is a new setting going through heightened scrutiny, only residents that are receiving CL services funded by private pay or other non-waiver funding were interviewed.</p> <p>One resident interviewed reported his daughter helped him select this place as she was worried about him being at home alone with his current health conditions. He reports he had no desire to look at alternative settings. Another resident reports she chose this setting as it is close to her family and her daughter comes to visit often and helps her with many tasks.</p>	<p>Compliant</p>

<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p> <p>Validation methods:</p> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input checked="" type="checkbox"/> Review of setting’s policy and/or procedure(s).</p> <p><input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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> <p><input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, subd. 2, “(a) Every exempt setting must execute a written contract with a resident or the resident's representative and must operate in accordance with the terms of the contract. The resident or the resident's representative must be given a complete copy of the contract and all supporting documents and attachments and any changes whenever changes are made. (b) The contract must include at least the following elements in itself or through supporting documents or attachments: (12) a statement regarding the ability of a resident to receive services from providers with whom the exempt setting does not have an arrangement.”</p> <p><input type="checkbox"/> State license requirement: As required under Minn. Stat. 144A.44, subd. 1 “(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (8) know that there may be other services available in the community, including other home care services and providers, and to know where to find information about these services; (9) choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, other health programs, or public programs.”</p> <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. LALD and staff confirm that residents have this right which is included in the Assisted Living Bill of Rights. This setting does offer physical therapy and medical services onsite as an option for residents. One resident interviewed reported that he goes to the clinic to see his specialist. He also requires a physical therapy assessment to ride a scooter and he is choosing to do that onsite. Another resident reports her daughter takes her to</p>	<p>Compliant</p>
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HCBS Rule requirement	Compliance determination
<p>doctor visits and anywhere else she needs to go. This observer also witnessed a family pick up a different resident for her medical appointment.</p>	
<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 requirement: This setting submitted a compliant Assisted Living lease or contract as required under Minn. Stat. 144G.50 – 144G.57. Minn. Stat. 144G.11 states, “Assisted Living facilities are subject to and must comply with Chapter 504B.” The lease or contract is required to be signed by the setting and the person receiving services or their representative. <input type="checkbox"/> State statutory requirement: This setting submitted a compliant written lease or contract as required under Minn. Stat. 325F.722, subd. 8. “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.” <p>Narrative:</p> <p>LALD and staff confirm that residents receive a copy of the contract for review prior to signing and/or moving into the setting. Residents report that they or their legal representative signed a contract when they moved in and are also notified when any changes are made to the contract. A copy of the contract or lease was submitted to DHS for verification of compliance.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<p>Each person at the setting has privacy in his or 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/or procedure. <input checked="" type="checkbox"/> Observation of lockable unit doors during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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) <input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, subd. 2, “(c) The contract must include a statement regarding: (5) a resident's right to have and use a lockable door to the resident's unit. The exempt setting must provide the locks on the unit. Only a staff member with a specific need to enter the unit shall have keys, and advance notice must be given to the resident before entrance by the staff member, when possible.” <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. Locks were observed on all of the apartment doors in the setting. Residents interviewed said they can lock their door when they want privacy or are away. Staff and LALD reported that only appropriate staff have keys to the units. The keys to the apartment doors that staff use are to remain onsite and handed from one shift person to next staff person.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<p>The setting facilitates that a person, who shares a bedroom or 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/or procedure. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 144G.91, “Residents have the right to choose a roommate if sharing a unit.” <input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, subd. 2, “(c) The contract must include a statement regarding: (4) a resident's right to choose a roommate if sharing a unit.” <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. Staff reported residents in the setting do not share rooms. Residents reported they are not required to share a unit. The setting currently has two vacant apartments.</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.

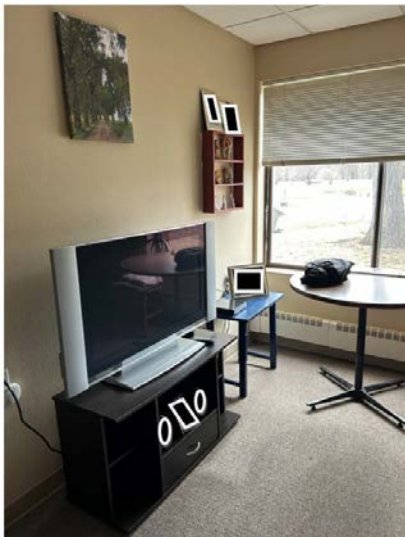
Compliant

Validation methods:

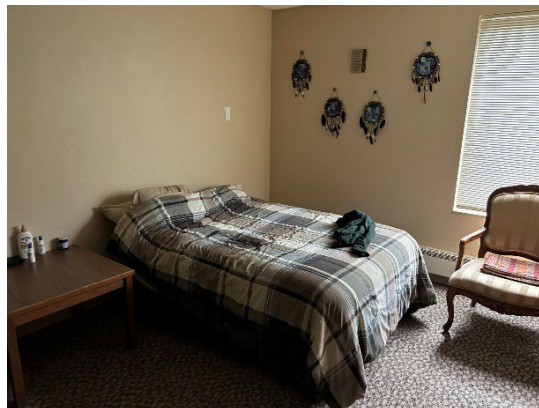
- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and/or procedure.
- Observation of residents' units during on-site visit.
- State license requirement: As required under [Minn. Stat. 144G.91](#), "Residents have the right to furnish and decorate the resident's unit within the terms of the assisted living contract."
- State statutory requirement: As required under [Minn. Stat. 325F.722, subd. 2](#), "(c) The contract must include a statement regarding: (1) the ability of a resident to furnish and decorate the resident's unit within the terms of the lease."

Narrative:

Setting's policy and/or procedure is compliant. Resident's apartment observed during the site visit were decorated according to the residents' tastes and preferences, including family pictures and memorabilia, and religious iconography. Residents have the option to put up personalized decorations on their apartment doors. LALD reported that people are allowed and encouraged to bring their personal decorations and furniture from home to decorate their units. Residents confirmed that decorations and furniture were their personal belongings and they were able to decorate the unit as desired.



Apartment living room



Apartment bedroom

HCBS Rule requirement

Compliance determination

The setting provides people access to food at any time.

Compliant

Validation methods:

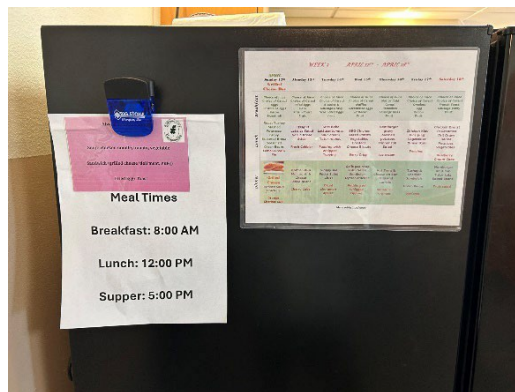
- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting’s policy and/or procedure.
- Observation during on-site visit.
- State license requirement: As required under [Minn. Stat. 144G.91](#), "Residents have the right to access food at any time. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan."
- State statutory requirement: As required under [Minn. Stat. 325F.722, subd. 2](#), "(c) The contract must include a statement regarding: (2) a resident's right to access food at any time."

Narrative:

Setting’s policy and/or procedure is compliant. LALD and staff confirmed that the setting provides menu choices. Residents can eat snacks available in the common area, order from an alternative menu if they do not like what the main meal is being served or utilize their kitchen area in the resident’s apartment to store and prepare food. Residents interviewed confirmed that they have access to food at any time. Observed snack table, alternative menus, resident’s kitchen area in their apartment.



Resident’s kitchen in apartment

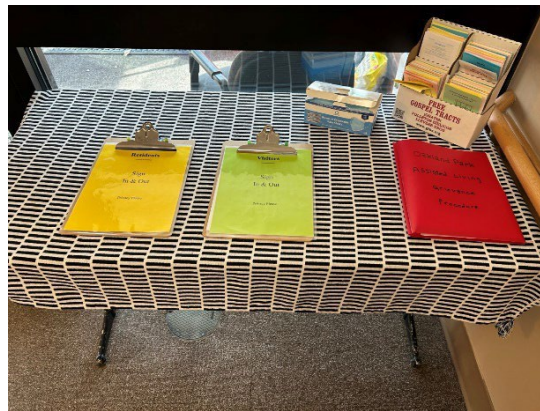


Main menu and alternative menu in common area

<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/or procedure. <input checked="" type="checkbox"/> Observation of people coming and going during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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): <input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, subd. 2, "(c) The contract must include a statement regarding: (3) a resident's right to choose the resident's visitors and times of visits." <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. LALD and staff confirmed that the setting does not restrict visiting times or with whom people can visit. Residents confirmed that their visitors come when they choose and are not limited or restricted to visiting hours. Residents can visit with their friends and family in privacy in their apartments or in any shared space within the building. Observed visitors coming and going from the building and visiting with residents. Resident interviewed stated her daughter can come and visit anytime. Her daughter has a key to open the building entrance door after hours and the residents apartment door. If a resident comes back to the building after the doors are locked in the evening and does not have a key, there is a phone number they can call and staff will let them in the building.</p>	<p>Compliant</p>
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HCBS Rule requirement

Compliance determination



Visitor and resident sign in and out sheets

The setting provides opportunities for people to volunteer or seek employment and work in competitive integrated settings.

Compliant

Validation methods:

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting’s policy and/or procedure.
- State license requirement: As required under [Minn. Stat. 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."
- State statutory requirement: As required under [Minn. Stat. 256B.0911, subd. 29](#), "(d) The written support plan must include: (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers."

Narrative:

Setting’s policy and/or procedure is compliant. LALD and staff report that there are no residents who choose to volunteer or work at this time. Residents report that they are aware that they can volunteer or work if they choose to do so. Residents interviewed reported they choose not to work or volunteer at this time but if they did, the staff would keep their meal for them and rearrange their personal care schedules to align with their volunteer schedules.

<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/or procedure. <input checked="" type="checkbox"/> Observation made during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 144G.11, “Assisted living facilities:(1) are subject to and must comply with chapter 504B;” <input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722. subd. 8, “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.” <input checked="" type="checkbox"/> State statutory requirement: As required under Minn. Stat. 363A.10, subd. 1, “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>Setting’s policy and/or procedure is compliant. LALD and staff report that the setting is fully accessible to the residents. Accommodation such as grab bars, shower chairs, wheelchair accessible kitchens and bathrooms are available to residents.</p> <p>Residents report they can use and access all areas of their unit and shared</p>	<p>Compliant</p>
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HCBS Rule requirement

**Compliance
determination**

spaces within the building. Observed grab bars, shower chairs, high raised toilet seats in resident's bathroom.



High raised toilet seat and grab bars



*Grab bars and shower seat in residents
bathroom*

HCBS Rule requirement	Compliance determination
<p>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.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Interview(s) with administrative staff. <input checked="" type="checkbox"/> Review of setting’s policy/procedure. <input type="checkbox"/> Review of person’s support plan, if a rights modification is in place. <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. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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.” <input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, subd. 2, “(d) A restriction of a resident's rights under this subdivision is allowed only if determined necessary for health and safety reasons identified by a home care provider's registered nurse in an initial assessment or reassessment, as defined under section 144A.4791, subdivision 8, and documented in the written service plan under section 144A.4791, subdivision 9. Any restrictions of those rights for people served under section 256B.49 and chapter 256S must be documented in the resident's support plan, as defined under sections 256B.49, subdivision 15, and 256S.10.” <p>Narrative:</p> <p>LADL and staff report that the setting does not have residents that require a rights modification at this time. Reviewed the Rights Modification Policy with the LADL and they provided a blank copy of the DHS Rights Modification form for reference.</p>	<p>Compliant</p>

<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/or procedure, activity calendar(s). <input checked="" type="checkbox"/> Observations during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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." <input checked="" type="checkbox"/> State statutory requirement: As required under Minn. Stat. 256S.10, subd. 3, "Each participant's support plan must: (1) include the participant's need for service and identify service needs that will be or that are met by the participant's relatives, friends, and others, as well as community services used by the general public; (2) include the use of volunteers, religious organizations, social clubs, and civic and service organizations to support the participant in the community." <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. LADL and staff report various transportation options available, including staff to provide rides for residents when scheduled ahead. The Oakland Park Communities assisted living schedules community-based activities and puts a sign-up sheet on the refrigerator in the common room for residents to sign up if they would like to participate. The setting also provides a daily activities calendar (bottom calendar) that is developed based on the interests shared by the residents. The skilled nurse facility also provides an activities calendar (top calendar). The residents of the assisted living setting are welcome to participate in any of those activities as well.</p>	<p>Compliant</p>
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List of community-based activities: One resident in the setting used to work on a local farm for several years. He is interested in seeing how the fields look and if they are ready to be plowed. The setting scheduled a bus ride to tour the local fields for anyone that would like to go on April 21, 2026. Another resident enjoys going shopping and to church with her daughter. A resident is also excited to get his electric scooter so he can attend more activities in the community independently.



Activity calendars and community outing sign-up sheet on bulletin board

HCBS Rule requirement	Compliance determination
<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/or procedure. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 144G.91, "Residents have the right to control personal resources." <input type="checkbox"/> State license requirement: As required under Minn. Stat. 144A.479, subd. 5, "(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession." <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. LADL and staff report residents have access to their own personal bank accounts, credit cards and cash and can access their funds at any time. Setting does not assist residents with their personal funds. One resident reported his daughter manages his bills, but he keeps cash to pay for things he wants to buy.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<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/or procedure. <input checked="" type="checkbox"/> Observation during on-site visit. <input checked="" type="checkbox"/> State license requirements: As required under Minn. Stat. 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." <input type="checkbox"/> State license requirements: As required under Minn. Stat. 144A.44, subd. 1, "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (10) have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information." <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. LADL and staff report the setting ensures residents privacy by providing personal cares in residents apartment or in private areas, not sharing private information about residents in hallways, etc. Residents report that they feel their privacy is protected. Staff knock on their unit door prior to entering, only talking about private information in private spaces. Current residents voiced they did not want their names on the apartment doors, so unit numbers are currently used to identify each apartment.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<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/or procedure. <input checked="" type="checkbox"/> Observation during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 144G.91, "Residents have the right to be treated with courtesy and respect, and to have the resident's property treated with respect." <input type="checkbox"/> State license requirement: As required under Minn. Stat. 144A.44, subd. 1, "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (13) be treated with courtesy and respect, and to have the client's property treated with respect." <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. LADL and staff report the setting ensures residents are treated with dignity and respect. Residents report they feel they are respected. Observed staff calling residents by preferred names and talking respectfully with residents. Staff care for residents in a kind and respectful manner. One resident prefers to be called by her middle name and staff respect that. All residents were observed to be dressed in clean, well-fitting clothes appropriate for the weather.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<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/or procedure. <input checked="" type="checkbox"/> Observation during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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.” <input type="checkbox"/> State statutory requirement: As required under Minn. Stat. 325F.722, subd. 7, “Residents must be free from any physical or chemical restraints imposed for purposes of discipline or convenience.” <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. Per policy and Elderly Waiver requirements, no restraints are used, and coercion is prohibited. Residents are free to go anywhere in the setting.</p>	<p>Compliant</p>

HCBS Rule requirement	Compliance determination
<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/or procedure. <input checked="" type="checkbox"/> Observation made during on-site visit. <input checked="" type="checkbox"/> State license requirement: As required under Minn. Stat. 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.” <input type="checkbox"/> State license requirement: As required under Minn. Stat. 144A.44, subd. 1, “(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (2) receive care and services according to a suitable and up-to-date plan, and subject to accepted health care, medical or nursing standards and person-centered care, to take an active part in developing, modifying, and evaluating the plan and services;” <input checked="" type="checkbox"/> State statutory requirement: As required under Minn. Stat. 256S.10, subd. 3, “Each participant's support plan must: (4) identify the participant's preferences for services as stated by the participant or the participant's legal guardian or conservator; (7) identify specific services and the amount, frequency, duration, and cost of the services to be provided to the participant based on assessed needs, preferences, and available resources.” <p>Narrative:</p> <p>Setting’s policy and/or procedure is compliant. This requirement was confirmed by LADL and staff. Staff report that residents are free to make their own life choices and choose who they want to spend their time with. Residents report varying degrees of interest in facility and community-based activities. Per resident interviews, one resident expressed her favorite activity was putting puzzles together. One resident goes to the skilled nursing facility setting daily and “make his rounds” to talk with people there. Observed staff accommodate a resident’s request to have his shower done prior to his interview.</p>	<p>Compliant</p>

Additional pictures of the HCBS setting



City park bordering the setting

Public comment summary

The Minnesota Department of Human Services (DHS) received public comments for this setting.

DHS sought public comment from 8 a.m. on May 13, 2026, to 4 p.m. on June 12, 2026. We sought public comment using the following methods:

- Evidentiary packages posted online on the [Home and Community Based Services Rule transition plan - Requirements for new HCBS settings](#) webpage
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [May 12, 2026, eList announcement](#)
- Notification to providers via email
- Notification to managed care organizations (MCOs) and Area Agencies on Aging (AAAs) via eList announcement
- Notification to Office of Ombudsman for Long-Term Care via eList announcement.

A total of one public comment was received for this setting.

- One public comment was received with general comments that were not specific to this setting.

Minnesota's recommendation

Date of recommendation: 6/15/2026

DHS finds that this setting overcomes the institutional presumption and meets the requirements of a home and community-based setting. The provider is required to maintain ongoing compliance with all HCBS requirements.