

# HCBS Final Rule Evidentiary Package

## Ostrander Assisted Living



*Entrance to Ostrander Assisted Living*

## Setting information

**Setting name:** Ostrander Assisted Living

**Street address:** 309 Minnesota St. Ostrander, MN 55961

**Phone:** 507-657-2231

**ID#:** 116467340

**Setting website:** [Care and Rehab Ostrander](#)

**Date of site visit:** 3/17/2026

## Funding and waiver service type

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

## Reason for heightened scrutiny

| Prong type                                         | Name of institution   |
|----------------------------------------------------|-----------------------|
| Prong 1 Located in a Public or Private Institution | Ostrander Care Center |

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

## General summary

Ostrander Assisted Living is a licensed assisted living setting located within a continuum of care campus that includes a skilled nursing care facility that provides short-term rehabilitation care, long term care, memory care and hospice services. The assisted living is owned and operated by Care and Rehab, a privately owned business.

### **Geographic information:**

The assisted living is in the city of Ostrander, MN in Fillmore County. Ostrander is located in southeastern part of the state, close to the Iowa border. It is a rural city, with a population of 256 in the 2010 census.

The setting is located in a primarily residential area, next to a baseball field and a park. The city's total area is .48 miles square.

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

Ostrander Assisted Living is licensed to serve 6 people. At the time of the site visit, they only had 3 residents in the assisted living. 2 were privately paying, and one was utilizing their Elderly Waiver.

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

The CBSM provides the following requirements for customized living services: [CBSM: Customized living \(including 24-hour customized living\)](#)

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance determination |
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| <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> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.10</a>, “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 <a href="#">Minn. Stat. 325F.722</a>, “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><b>Narrative:</b></p> <p>Per interview with the assisted living director, the campus administrator has oversight of the entire campus. The housing director manages the assisted living, and the director of nursing manages the skilled nursing facility, including supervision of the CNAs. There are only 3 residents living in the assisted living setting.</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance determination |
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| <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> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> Interview(s) with direct care staff.</p> <p><input checked="" type="checkbox"/> Review of training policy and procedure(s).</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.60</a>, "All staff persons providing assisted living services must be trained and competent in the provision of services consistent with current practice standards appropriate to the resident's needs, and promote and be trained to support the assisted living bill of rights."</p> <p><input type="checkbox"/> State license requirement: As required under <a href="#">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: (12) be served by people who are properly trained and competent to perform their duties;"</p> <p><b>Narrative:</b></p> <p>All staff that work in the assisted living setting are trained on the HCBS rule.</p> | Compliant                |

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| <p><b>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of transportation policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.41</a>, "Upon request of the resident, the assisted living must provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance."</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 256S.09</a>, "Elderly waiver case management activities provided to or arranged for a participant include: (5) assisting the participant with gaining access to needed elderly waiver and other state plan services; (6) assisting the participant with gaining access to needed medical, social, educational, and other services regardless of the funding source for the services to which access is gained;"</li> </ul> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, as well as interviews with the assisted living director and residents, many different means of transportation are used at Ostrander Assisted Living.</p> <p>The facility does have a van that they can use to transport residents in. There is a volunteer driver program run by Semcac to get people to medical and dental appointments. Residents who are 60 years and older have Medical Assistance, Blue Plus, Medica, South Country and Ucare are eligible for this service.</p> <p>The office manager or the activity liaison sets up rides for residents needing non-medical transportation for social activities, shopping or other community activities. The staff take residents out into the community when they request it.</p> <p>The interviewed resident stated that she feels like she can always get where she needs to go. She uses a wheelchair but said the staff help her get out as needed.</p> | <p>Compliant</p> |
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| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Compliance determination |
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| <div data-bbox="240 323 990 699" data-label="Image">A dark blue minivan is parked on a snow-covered driveway in front of a brick building. The van has white text on its side that reads "care&amp;rehab" with a logo above it and "Always in touch" below it. Smaller text on the rear window lists services: "Setting", "Overlander", "507-457-2231", "•Post-Surgical • Rehab Therapy", "•24 HR Skilled Nursing", and "•Memory Care • Dementia • Hospice". The background shows a residential neighborhood with snow-covered lawns and bare trees under an overcast sky.</div> <div data-bbox="506 709 724 743" data-label="Caption"><p><i>The setting's van</i></p></div> |                          |

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

**Validation methods:**

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

**Narrative:**



*Aerial view of Ostrander indicating connection between buildings*

The aerial view of Ostrander Campus. The green rectangle is the assisted living portion of the building. The building with the red square is the skilled nursing facility. The yellow arrow is pointing to the connection between the two.

The assisted living is connected to the skilled nursing facility by the area indicated by the yellow area. There is a set of double doors separating the assisted living from the skilled nursing facility.

Compliant

| HCBS Rule requirement                                                                                                                                                                                                                              | Compliance determination |
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| <div data-bbox="203 327 896 779">  </div> <p data-bbox="240 785 859 852"><i>Double doors separating the assisted living from the skilled nursing facility</i></p> |                          |

## Prong 1 and Prong 2 settings

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

States must submit strong evidence that the setting presumed institutional and 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 setting documentation, on-site observations and interviews.

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Compliance determination |
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| <p><b>The setting is selected by the individual from among a variety of setting options including non-disability specific settings.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input 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.</p> <p><input checked="" type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under <a href="#">Minn. Stat. 256B.0911, subd. 29</a>, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (iii) living arrangements; (v) service provided in a non-disability-specific setting;”</p> <p><b>Narrative:</b></p> <p>Case managers are required under state statutes to offer and document all available options for living arrangement in the person’s support plan, including non-disability specific options.</p> <p>Resident interviewed stated that she chose to live at Ostrander and that she did not want to look at any other options.</p> | Compliant                |
| <p><b>The setting facilitates individual choice regarding services and supports, and who provides them.</b></p> <p><b>Validation methods:</b></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 procedure(s).</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91, subd. 24</a>, “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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Compliance determination |
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| <p>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 <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(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 <a href="#">Minn. Stat. 144A.44, subd. 1</a> “(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><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement. The assisted living contract states “Tenant is free to make arrangements for health-related and supportive services with the appropriate provider of Tenant’s choice, whether or not Landlord has a relationship with that provider.”</p> <p>Resident interviewed stated they knew that they could choose other providers. She said she has appointments with her own doctors, and that staff help set up transportation to get to appointments. Assisted living director (ALD) confirmed that residents are free to schedule appointments with other providers. Staff drive the residents or assist in setting up transportation for appointments with external providers. Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights at intake and reviewed with them annually.</p> |                          |
| <p><b>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliant                |

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| <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input checked="" type="checkbox"/> Review of written lease or residency agreement.</p> <p><input checked="" type="checkbox"/> State license requirement: This setting submitted a compliant Assisted Living lease/contract as required under <a href="#">Minn. Stat. 144G.50 – 144G.57</a>. <a href="#">Minn. Stat. 144G.11</a> states, “Assisted Living facilities are subject to and must comply with Chapter 504B.” The lease/contract is required to be signed by the setting and the person receiving services or their representative.</p> <p><input type="checkbox"/> State statutory requirement: This setting submitted a compliant written lease/contract as required under <a href="#">Minn. Stat. 325F.722, subd. 8</a>. “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> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement.</p> <p>A copy of the lease was reviewed. During the interview with the Assisted Living Director, it was confirmed that that residents receive a copy of the Residency Agreement for review prior to signing and/or moving into the setting.</p> <p>The resident handbook addendum states “All residents of Ostrander Assisted Living must sign a written lease. It is a legal contract between you and management and provides protections under the Minnesota Landlord Tenant law. It is enforceable by both parties.”</p> <p>The resident stated that she was part of the intake process and signed the lease/residency agreement and had a chance to ask questions about it.</p> |                          |
| <p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door with only appropriate staff having keys to doors.</b></p> <p><b>Validation methods:</b></p> <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 procedure.</p> <p><input checked="" type="checkbox"/> Observation of lockable unit doors during on-site visit.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91, subd. 13</a>, “(a)Residents have the right to consideration of their privacy, individuality, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance determination |
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| <p>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 residents' unit. Only a staff member with a specific need to enter the unit shall have keys. This right may be restricted in certain circumstances if necessary for a resident's health and safety and documented in the resident's service plan." (Refer to Rights Modification section)</p> <p><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(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 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> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement. Resident handbook states "All people receiving HCBS services have the right to privacy, including a lockable door. If staff have access to your apartment, they will knock on the door before entering."</p> <p>Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually. Locks were observed on all the residents' doors in the setting, and interviews with residents confirmed that they knew they had a right to lock their doors and have their own key.</p> |                          |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance determination |
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|  <p><i>Lock on a resident's door</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |
| <p><b>The setting facilitates that a person who shares a bedroom/unit, is with a roommate of their choice.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting's policy and procedure.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to choose a roommate if sharing a unit."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(c) The contract must include a statement regarding: (4) a resident's right to choose a roommate if sharing a unit;"</li> </ul> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement. Interview with Assisted Living Director confirmed that residents have a right to choose their roommates. 5 of the 6 assisted living apartments are one-bedroom apartments and there is one two-bedroom apartment. No assisted living residents are currently sharing a bedroom.</p> <p>Staff are trained on this right at orientation thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually.</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Compliance determination |
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| <p><b>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting's policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation of residents' units during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to furnish and decorate the resident's unit within the terms of the assisted living contract."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(c) The contract must include a statement regarding: (1) the ability of a resident to furnish and decorate the resident's unit within the terms of the lease;"</li> </ul> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually.</p> <p>ALD confirmed that people are invited to decorate their homes with personal decorations. During resident interviews and tour of the setting, personal and individualized decorations were observed both inside and outside resident units.</p> <p>Resident interviewed confirmed that they were able to bring their own personal items to decorate her room and that there was "no problem with that."</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliance determination |
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| <div data-bbox="220 323 579 802" data-label="Image"> </div> <div data-bbox="237 808 558 875" data-label="Caption"> <p><i>Resident's apartment with personal decorations</i></p> </div> <div data-bbox="647 323 1205 644" data-label="Image"> </div> <div data-bbox="730 655 1120 684" data-label="Caption"> <p><i>Decorations on a resident's door</i></p> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                          |
| <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 requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to access food at any time. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(c) The contract must include a statement regarding: (2) a resident's right to access food at any time;"</li> </ul> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement. In addition to providing options for breakfast, lunch and dinner, the setting always has snacks in the common kitchen area. If the residents don't like the meal for the day,</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Compliance determination |
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| <p>there are always alternatives for them. Residents can store food in their refrigerators in their unit. Residents can ask staff and receive food at any time.</p> <p>Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually. The residency agreement outlines what meals will be provided, and the cost for extra meals or guest meals. The assisted living director said if people want food they can ask staff at any time. There are leftovers, salads, and other food items the kitchen will provide when requested.</p> |                          |

Resident interviewed said she believes she can have food at any time. She said there was “snacks in the big kitchen” and that she generally eats snacks that she keeps in her apartment.



*A table with snacks on it for residents to take anytime*



*Resident kitchen with stove and refrigerator for food storage and preparation*



*Dining room in the assisted living*

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliance determination |
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| <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 requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to meet with or receive visits at any time by the resident's family, guardian, conservator, health care agent, attorney, advocate, or religious or social work counselor, or any person of the resident's choosing. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan." (See Rights Modification section):</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, "(c) The contract must include a statement regarding: (3) a resident's right to choose the resident's visitors and times of visits;"</li> </ul> <p><b>Narrative:</b></p> <p>Per the validation methods checked above, it has been determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually.</p> | <p>Compliant</p>         |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Compliance determination |
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| <p>Resident interviewed said that they can have visitors at any time. There are several areas, including a sunroom that people can visit with their guests if they choose not to stay in their apartments.</p>  <p><i>Sunroom for residents to access</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |
| <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"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents."</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 256B.0911, subd. 29</a>, "(d) The written support plan must include: (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers;"</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it has been determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Compliance determination |
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| <p>Living Bill of Rights, which includes this right, at intake and reviewed with them annually.</p> <p>The assisted living director stated that none of the residents of the assisted living are employed or volunteering.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                          |
| <p><b>The setting is physically accessible to the individual.</b></p> <p><b>Validation methods:</b></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 procedure.</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.11</a>, "Assisted living facilities:(1) are subject to and must comply with chapter 504B;"</p> <p><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722. subd. 8</a>, "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> <p><input checked="" type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 363A.10, subd. 1</a>, "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> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it has been determined that Ostrander Assisted Living is compliant with this requirement. The setting has a compliant policy, and staff are trained on this right. The resident is notified of this right in their resident handbook.</p> <p>The setting is on a single level, and accessibility features were observed throughout the building, including railings and grab bars. The resident handbook</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance determination |
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| <p>says “People who would like to submit an accommodations request may contact the Administrator or the Office Manager at Assisted Living. All staff are also trained on where to direct these requests.”</p> <p>Resident interviewed said they have no problem getting around their apartment, the hallways, or other areas of the assisted living facility.</p> <div data-bbox="279 535 647 982" data-label="Image"> </div> <p><i>Grab bars in resident shower</i></p> <div data-bbox="810 535 1174 976" data-label="Image"> </div> <p><i>Grab bars in resident bathroom</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |
| <p><b>Any modification of the rights specified in HCBS rule under <a href="#">441.301(c)(4)(vi)(A) through (D)</a> must be supported by a specific assessed need and documented in the person-centered plan/ HCBS Rights Modification Support Plan Attachment.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input type="checkbox"/> Review of person’s support plan, if a rights modification is in place.</li> <li><input checked="" type="checkbox"/> N/A. No residents at this setting enrolled in the Elderly Waiver need a Rights Modification at this time.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.911</a>, “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</li> </ul> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance determination |
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| <p>documented by the case manager in the resident's support plan, as defined in sections 256B.49, subdivision 15, and 256S.10.”</p> <p><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 2</a>, “(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> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it has been determined that Ostrander Assisted Living is compliant with this requirement. ALD stated they don’t have anyone at this time with a modification.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |
| <p><b>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</b></p> <p><b>Validation methods:</b></p> <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 procedure, activity calendar(s).</p> <p><input type="checkbox"/> Observations during on-site visit.</p> <p><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents.”</p> <p><input checked="" type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 256S.10, subd. 3</a>, “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> <p><b>Narrative:</b></p> | Compliant                |

## HCBS Rule requirement

## Compliance determination

Based on the validation methods reviewed above, it is determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually.

Residents give input to the activity coordinator about activities they would like to see offered. Feedback on community activities is also given at the assisted living resident council meetings. Activities are posted throughout the building, and residents get a copy for their apartments.

The residents participate in a variety of community activities. These include:

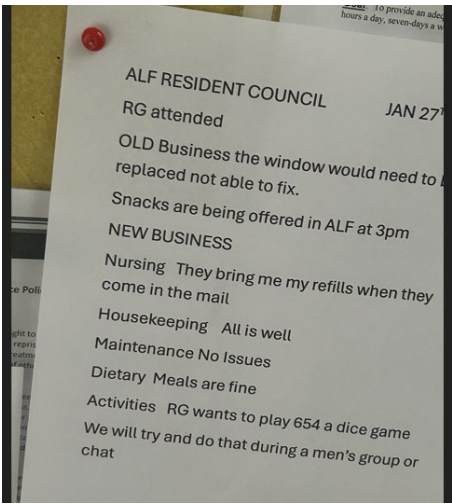
- Shopping at local businesses
- Having meals at restaurants
- Fishing
- Attending community church services
- Going on walks
- Playing Bingo at the community center.

The setting posts activity calendars for a nearby town, Leroy, and residents can talk to staff about attending them. If a resident wants to attend community events, they can speak to the activity coordinator for assistance with transportation.

Family often picks up residents and brings them to family gatherings, birthdays, graduations, and other special events. Residents also enjoy activities on-site, such as Bingo, card games, crafts, and church services.



*Bulletin board with menus, activities, and resources posted*

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance determination |
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|  <p><i>Assisted Living Resident Council agenda</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |
| <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 requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to control personal resources."</li> <li><input type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144A.479, subd. 5</a>, "(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession."</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it has been determined that Ostrander Assisted Living is compliant with this requirement. Provider submitted a compliant policy.</p> <p>Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually.</p> | Compliant                |

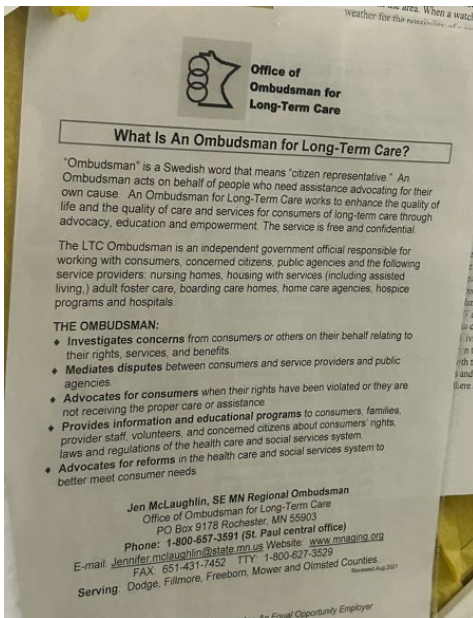
| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance determination |
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| The resident interviewed stated that she manages her own money and doesn't need help with it.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |
| <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 <a href="#">Minn. Stat. 144G.91</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." "Residents have the right to respect and privacy regarding the resident's service plan. Case discussion, consultation, examination, and treatment are confidential and must be conducted discreetly. Privacy must be respected during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance." "Residents have the right to communicate privately with persons of their choice."</li> <li><input type="checkbox"/> State license requirements: As required under <a href="#">Minn. Stat. 144A.44, subd. 1</a>, "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (10) have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information;"</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it is determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this during orientation and annually thereafter, as well as on HIPAA and other privacy practices. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually.</p> <p>Interviews with the assisted living director and staff confirmed that residents have privacy and that staff are trained to respect people's privacy. This includes knocking on resident doors before entering, not having private conversations in common areas, and providing care only in a private setting.</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance determination |
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| <p>The resident interviewed stated that staff respect their privacy and that “I have never had issues with that.”</p>  <p><i>Resident mailboxes with locks</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |
| <p><b>The setting ensures people’s dignity and respect.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure.</li> <li><input checked="" type="checkbox"/> Observation during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.91</a>, "Residents have the right to be treated with courtesy and respect, and to have the resident's property treated with respect."</li> <li><input type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144A.44, subd. 1</a>, “(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (13) be treated with courtesy and respect, and to have the client's property treated with respect;”</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it is determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this during orientation and annually thereafter, as well as on HIPAA and other privacy practices. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed with them annually. The resident</p> | Compliant                |

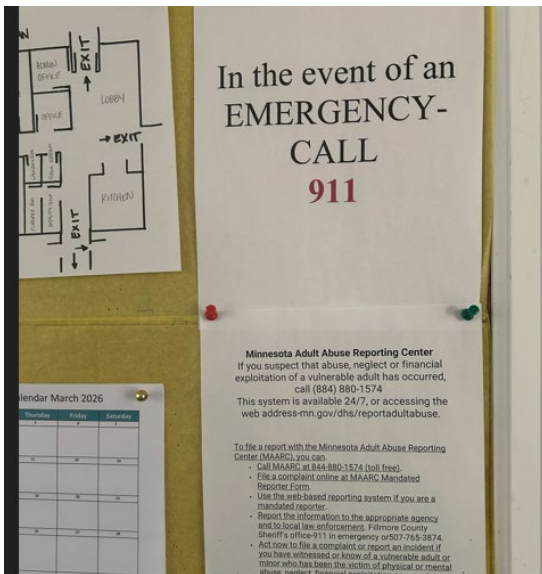
| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Compliance determination |
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| interviewed was asked whether they felt staff treated them with respect, and they answered, "Yes, they do".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |
| <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 type="checkbox"/> Observation during on-site visit.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under <a href="#">Minn. Stat. 144G.42</a>, "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."</li> <li><input type="checkbox"/> State statutory requirement: As required under <a href="#">Minn. Stat. 325F.722, subd. 7</a>, "Residents must be free from any physical or chemical restraints imposed for purposes of discipline or convenience."</li> </ul> <p><b>Narrative:</b></p> <p>Based on the validation methods reviewed above, it is determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this right, as well as the Vulnerable Adult Act, during orientation and annually. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake, and are reviewed with them annually.</p> <p>There is a bulletin board with information on how to reach the Ombudsman to access an advocate, as well as the Minnesota Adult Abuse Reporting Center (MAARC) for reporting abuse.</p> | Compliant                |

## HCBS Rule requirement

## Compliance determination



*Information posted on contacting an Ombudsman*



*Information on how to contact MAARC*

| HCBS Rule requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance determination |
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| <p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <p>Validation methods:</p> <ul style="list-style-type: none"> <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 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."</li> <li><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;"</li> <li><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;"</li> </ul> <p>Narrative:</p> <p>Based on the validation methods reviewed above, it is determined that Ostrander Assisted Living is compliant with this requirement. Staff are trained on this right at orientation and annually thereafter. Residents are given the Assisted Living Bill of Rights, which includes this right, at intake and reviewed annually.</p> <p>The setting has a compliant policy regarding residents' independent choices. Assisted living director and staff interviewed confirmed that residents make their own choices about what they would like to do daily.</p> | Compliant                |

| HCBS Rule requirement                                                                                                                                                                                                                                                             | Compliance determination |
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| The interviewed person said, “I’m the boss,” when asked whether they have choices in their day-to-day activities. They also confirmed that there are many different activities they could participate in every day, although they preferred to spend time in their own apartment. |                          |

# Additional pictures of the HCBS setting



*A lounge for residents to do puzzles and other activities*



*View from one of the lounge areas*



*Front lounge area*



*Laundry room*

# Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from 8 a.m. on Wednesday, May 27, 2026, to 4 p.m. on Friday, June 26, 2026, 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 [May 26, 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.

## Recommendation

|                                                                                                                                                                                                                           |
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| <b>Date of recommendation: 6/26/2026</b>                                                                                                                                                                                  |
| 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. |