

# HCBS Final Rule Evidentiary Package

## Woodlake Residences



## Setting information

**Setting name:** Woodlake Residence

**Street address:** 8008 Bass Lake Road New Hope Mn 55428

**Phone:** 763-531-5000

**ID # NPI** 1992551402

**Setting website, if applicable:**

[Home - Woodlake at New Hope](#)

**Date of site visit:** 10/21/2024

## Funding and waiver service type

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

## Reason for heightened scrutiny

Prong type	Name of institution
Prong 2 Located adjacent to a Public Institution	Woodlake Healthcare

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

## General summary

### Geographic information:

Woodlake Residences is a licensed Assisted Living Facility providing customized living services. It is located within the Woodlake Senior Community in New Hope, MN. New Hope, is located in the Twin Cities metro area in Hennepin County.. As of the last available census in 2020, New Hope had a population of 20,339 people.

Woodlake Residences is located in a suburban area, with easy access to local businesses, churches, schools and parks.

### Number of people served:

Woodlake had 145 residents at the time of the site visit. This provider is applying to be an HCBS provider for this setting so they can begin to serve people on the Elderly Waiver, so there no people using an Elderly, CADI or BI waiver for their customized Living services

## Customized living provider standards/qualifications

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

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

## Customized living service definitions that support the setting requirements

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

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

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

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

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

HCBS Rule requirement	Compliance determination
<p><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> State license requirement: As required under Mn Statute 144G.10, “Each assisted living facility must employ an assisted living director licensed or permitted by the Board of Executives for Long Term Services and Supports.”</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under Mn Statute 325F.722, “The person primarily responsible for oversight and management of the exempt setting, as designated by the owner, must obtain at least 30 hours of continuing education every two years of employment as the manager in topics relevant to the operations of the setting and the needs of its residents. Continuing education earned to maintain a professional license, such as a nursing home administrator license, assisted living facility director license, nursing license, social worker license, or real estate license, can be used to complete this requirement.”</li> </ul> <p><b>Narrative:</b></p> <p>Woodlake Residences is on the same campus as Woodlake Healthcare, a skilled nursing facility. It is a separate building from the skilled nursing facility, but they are connected by a hallway.</p> <p>Per interview with the Licensed Assisted Living Director (LALD), the campus administrator has authority over the whole campus. However, the customized living setting has its own Licensed Assisted Living Director, who has authority over the nursing and direct care staff in the customized living setting. The skilled nursing facility has separate management, nursing and direct care staff than Woodlake Residences.</p>	<p>Compliant</p>

<p><b>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross trained to meet the same qualifications as the HCBS staff.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of training policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirement: As required under Mn Statute 144G.60, “All staff persons providing assisted living services must be trained and competent in the provision of services consistent with current practice standards appropriate to the resident's needs and promote and be trained to support the assisted living bill of rights.”</li> <li><input checked="" type="checkbox"/> State license requirement: As required under Mn Statute 144A.44, Subdivision 1., “A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (12) be served by people who are properly trained and competent to perform their duties;”</li> </ul> <p><b>Narrative:</b></p> <p>During interviews with the LALD and direct care staff, both reported that staff who work in the assisted living do not work in the skilled nursing facility. All staff receive training on the Home and Community Based Services rule at orientation and then annually going forward. Staff confirmed that they must complete training every year on the resident’s rights including the Assisted Living Bill of Rights and HCBS rule information.</p>	<p>Compliant</p>
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<p><b>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with direct care staff.</li> <li><input checked="" type="checkbox"/> Review of transportation policy and procedure(s).</li> <li><input checked="" type="checkbox"/> State license requirement: As required under Mn Statute 144G.41, “Upon request of the resident, the assisted living must provide direct or reasonable assistance with arranging for transportation to medical and social services appointments, shopping, and other recreation, and provide the name of or other identifying information about the persons responsible for providing this assistance.”</li> <li><input type="checkbox"/> State statutory requirement: As required under Mn Statute 256S.09, “Elderly waiver case management activities provided to or arranged for a participant include: (5) assisting the participant with gaining access to needed elderly waiver and other state plan services; (6) assisting the participant with gaining access to needed medical, social, educational, and other services regardless of the funding source for the services to which access is gained;”</li> </ul> <p><b>Narrative:</b></p> <p>During interviews, staff and administrators indicated that the residents have a variety of transportation options to choose from. Many residents still drive and rent 50 of the spaces in the garage to store their vehicles. The setting uses their own bus to transport residents into the community for some activities. Residents use Uber and Lyft rideshare companies, taxis, community volunteers, and family members for transportation. Woodlake is on a public bus line and Metro Mobility is an additional transportation option. Residents or their authorized representative are given this information at the time of move-in, and staff are available to assist them any time they need assistance with transportation. One of the residents reported during the interview that his son does a lot of his transportation, but he feels the staff would help him if he needed help setting up a different ride.</p>	<p>Compliant</p>
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*Woodlake's bus*



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

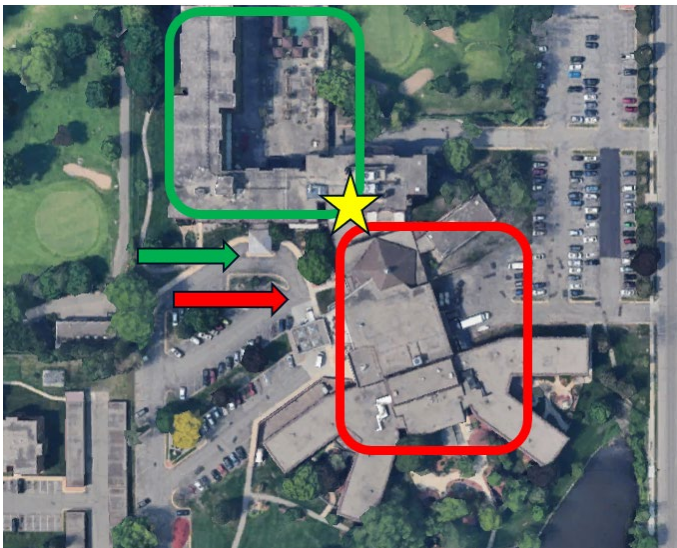
Compliant

**Validation methods:**

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

**Narrative:**

Woodlake provides customized living services in a building that is separate from the skilled nursing facility but connected by a hallway. In the aerial view shown below, Woodlake is indicated by the green rectangle. The green arrow points to the entrance to Woodlake. The skilled nursing facility is indicated by the red rectangle, and the red arrow points to the separate entrance. The yellow star indicates where the hallway is inside, connecting the two buildings.



*Hallway connecting the two buildings*

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

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

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

### **HCBS characteristics**

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

HCBS Rule requirement	Compliance determination
<p><b>The setting is selected by the individual from among a variety of setting options including non-disability specific settings.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input type="checkbox"/> MnCHOICES support plan requirements: In the “What I Want my Life to Look Like” section of the support plan, using person-centered principles, the case manager/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 type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Mn Statute 256B.0911, Subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (iii) living arrangements; (v) service provided in a non-disability-specific setting;”</p> <p><b>Narrative:</b></p> <p>Case managers are required under state statute to offer and document all available options for living arrangement in the person’s support plan, including non-disability specific options. However, because this is a new setting going through heightened scrutiny, only residents that are receiving customized living services funded by private pay or other non-waiver funding were interviewed.</p> <p>One resident interviewed stated that he chose this setting and was a part of the process. Another resident stated that they wanted to live at Woodlake so they could be close to family.</p>	<p>Compliant</p>

<p><b>The setting facilitates individual choice regarding services and supports, and who provides them.</b></p> <p><b>Validation methods:</b></p> <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 MN Statute 144G.91, Subd. 24., “Residents have the right to be informed by the assisted living facility, prior to executing an assisted living contract, that other public and private services may be available, and that the resident has the right to purchase, contract for, or obtain services from a provider other than the assisted living facility.”</p> <p><input type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2., “(a) Every exempt setting must execute a written contract with a resident or the resident’s representative and must operate in accordance with the terms of the contract. The resident or the resident’s representative must be given a complete copy of the contract and all supporting documents and attachments and any changes whenever changes are made. (b) The contract must include at least the following elements in itself or through supporting documents or attachments: (12) a statement regarding the ability of a resident to receive services from providers with whom the exempt setting does not have an arrangement;”</p> <p><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.44 Subdivision 1. “(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (8) know that there may be other services available in the community, including other home care services and providers, and to know where to find information about these services; (9) choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, other health programs, or public programs;”</p> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant. During interviews, LALD and staff confirmed that residents are free to use outside providers if they choose. This right is reviewed with residents at intake, and staff are trained on this right during orientation and annually through required training. Residents interviewed reported they access and engage in their community by choosing community providers such as doctors, dentists, and therapists. One resident sees</p>	<p>Compliant</p>
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<p>the doctor that comes on site but has other doctors outside of the customized living. Another resident stated he receives most of his medical care through Veterans Affairs. Another resident stated that he likes being able to see a doctor onsite but does have a dentist that he has seen for years and continues to do so. They confirmed that they were aware they have a choice in providers. Staff interviewed stated that if a person wanted help looking for a provider outside of the setting, they would help them find providers.</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> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of written lease or residency agreement</li> <li><input checked="" type="checkbox"/> State license requirement: This setting submitted a compliant Assisted Living lease/contract as required under MN Statute 144G.50 – 144G.57. MN Statute 144G.11 states, “Assisted Living facilities are subject to and must comply with Chapter 504B.” The lease/contract is required to be signed by the setting and the person receiving services or their representative.</li> <li><input checked="" type="checkbox"/> State statutory requirement: This setting submitted a compliant written lease/contract as required under MN Statute 325F.722 Subd. 8.. “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.”</li> </ul> <p><b>Narrative:</b></p> <p>Setting provided their Assisted Living Residency Agreement, which was reviewed and is compliant with HCBS settings rule requirements. Residents are informed if there are any changes to the agreement after it has been signed. Administrative staff confirm that residents receive a copy of the contract for review prior to signing and/or moving into the setting. Residents report that they did sign a contract when they moved in. One resident was a lawyer before retiring and said he read the contract carefully. Another resident stated that he “got all the paperwork” when he moved in.</p>	<p>Compliant</p>

**Each person at the setting has privacy in his/her sleeping or living unit including a lockable door with only appropriate staff having keys to doors.**

Compliant

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and procedure
- Observation of lockable unit doors during on-site visit
- State license requirement: As required under MN Statute 144G.91, Subd. 13., "(a) Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan. (b) Residents have the right to have and use a lockable door to the resident's unit. The facility shall provide locks on the resident's unit. Only a staff member with a specific need to enter the unit shall have keys. This right may be restricted in certain circumstances if necessary for a resident's health and safety and documented in the resident's service plan." (Refer to Rights Modification section)
- State statutory requirement: As required under MN Statute 325F.722 Subd. 2., "(c) The contract must include a statement regarding: (5) a resident's right to have and use a lockable door to the resident's unit. The exempt setting must provide the locks on the unit. Only a staff member with a specific need to enter the unit shall have keys, and advance notice must be given to the resident before entrance by the staff member, when possible."

**Narrative:**

Setting's policy/procedures were reviewed and are compliant with HCBS settings rule requirements. This right is reviewed with the resident upon move-in. Staff are trained on this right at hire and as part of staff training. Locks were observed on all of the apartment doors in the setting. The LALD confirmed during the interview that residents are afforded this right. LALD reported that staff have keys to the doors of the residents that they are working with on that shift, and that staff do not take keys home with them at the end of a shift. Residents interviewed said they can lock their door when they want privacy or are away. One resident interviewed said "Yep, I got a key." Staff reported there is a protocol when entering a resident's home. They knock, wait for a response and enter when person tells them to come in. If there is no response they knock

<p>again and wait. Observed staff knocking on residents' doors and waiting to enter. Observed signs on some doors saying not to come in if they don't answer when staff knock. Staff confirmed that they respect this, unless there is a safety concern, and come back later.</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 MN Statute 144G.91, "Residents have the right to choose a roommate if sharing a unit."</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2., "(c) The contract must include a statement regarding: (4) a resident's right to choose a roommate if sharing a unit;"</li> </ul> <p><b>Narrative:</b></p> <p>Setting's policy/procedures were reviewed and are compliant with HCBS settings rule requirements. This right is reviewed with the resident or their legal representative upon move-in as part of the review of the Assisted Living Bill of Rights. It is also in the contract the resident signs. Staff are trained on this right as part of orientation. Residents reported they are not required to share a unit. If they do want to share, Residents reported that they were able to choose who they shared their unit with. Staff were talking with 2 sisters that share an apartment in the building and they said they were very happy that they got to live together.</p>	<p>Compliant</p>

<p><b>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation of residents’ units during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144G.91, “Residents have the right to furnish and decorate the resident's unit within the terms of the assisted living contract.”</li> <li><input type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2., “(c) The contract must include a statement regarding: (1) the ability of a resident to furnish and decorate the resident's unit within the terms of the lease;”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure is compliant. Living units observed during the site visit were decorated according to the residents’ style and choice of items within it. Many people put up personalized decorations in the entrance to their living units. LALD reported that people are allowed/encouraged to bring their personal decorations and furniture from home to decorate their units. This right is shared with residents at move in as they review the Assisted Living Bill of Rights. Staff are trained on this right during orientation Residents confirmed during interviews that they were able to decorate the unit to represent their own style and preferences. The setting agreed to a resident decorating the lounge area near her apartment.</p>	<p>Compliant</p>
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*Resident door decorated for Halloween*



*Lounge area that resident decorated*



*Apartment decorated with personal items*

<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 MN Statute 144G.91, "Residents have the right to access food at any time. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan."</li> <li><input type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2., "(c) The contract must include a statement regarding: (2) a resident's right to access food at any time;"</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure were reviewed and compliant with HCBS requirements. LALD confirmed during the interview that residents are informed of this right at move-in. It is detailed in the resident agreement. Staff are trained on this right at orientation. LALD confirmed that the setting provides menu choices daily. LALD stated that residents can ask for food at any time Staff interviewed stated that snacks are always available in the dining room via the “snack cart” Residents store and prepare food in own apartment, as the apartments have full kitchens. In addition, there is a café in the building called “Rose’s Café”. The café serves food to residents, staff and any guests that want to eat there. The café also has a little store, with various snacks and household items. Residents interviewed confirmed that they have access to food at any time. One resident stated, “The food here is good! If I was ever hungry, I could ask staff, but I prefer to just keep cookies in my apartment to eat as a snack.” Another resident stated “If I know I am going to miss a meal, I tell the staff, and they bring it right to my apartment and put it in the fridge. It’s very handy!”</p>	<p>Compliant</p>
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*Little store within the cafe*

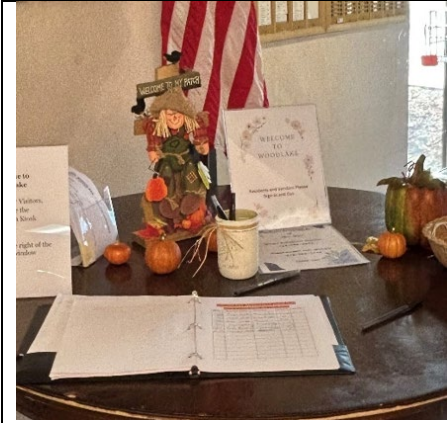


*Dining room with set tables*



*Cafe Rose*

<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 MN Statute 144G.91, "Residents have the right to meet with or receive visits at any time by the resident's family, guardian, conservator, health care agent, attorney, advocate, or religious or social work counselor, or any person of the resident's choosing. This right may be restricted in certain circumstances if necessary for the resident's health and safety and if documented in the resident's service plan." (See Rights Modification section):</li> <li><input type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 2., "(c) The contract must include a statement regarding: (3) a resident's right to choose the resident's visitors and times of visits;"</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS rule requirements. LALD and direct care staff confirmed during interviews that the setting does not restrict visiting times, or who people can visit with. This right is reviewed with the resident upon move-in. Staff are trained on this right at orientation. Residents confirmed during interviews that their visitors can come over whenever they want them to, and that there are no limitations on where they can hang out with their visitors. One resident interviewed stated “We can have visitors any time. I just wish my daughter came more.” Another resident stated “Oh yeah, there are always visitors around here. It’s a busy place.” The setting also has rooms that can be reserved for parties or family gatherings. Observed many visitors coming and going from the setting with residents. Visitor log was observed with many entries.</p>	<p>Compliant</p>
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*Visitor log near entrance*

<p><b>The setting provides opportunities for people to volunteer or seek employment and work in competitive integrated settings.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Health plan and Lead Agency Review support plan audits: As required under Mn Statute 256B.0911, Subd. 29, “The written support plan must include:(d) (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers.”</li> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144G.91, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents.”</li> <li><input type="checkbox"/> State statutory requirement: As required under MN Statute 256B.0911 Subd. 29., “(d) The written support plan must include: (2) the individual's options and choices to meet identified needs, including all available options for: (ii) employment services, settings, and providers;”</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedure was reviewed and is compliant with HCBS rule requirements. Per interview with LALD, this right is reviewed with the resident or authorized representative upon move-in. The assisted living contract states “ Woodlake encourages residents to work or volunteer for various purposes. Please contact the Licensed Assisted Living Director for additional information regarding volunteer opportunities. Woodlake will support flexible scheduling for residents seeking to work or volunteer. Staff are trained on this right during orientation. LALD and staff reported that at the time of the HCBS site visit, none of the residents were employed in the community. They previously had a person working at a local fast-food restaurant. When asked how they accommodated the person when they worked, staff said, “We just move things around as needed, and try to schedule appointments and cares for when they aren’t at work” Residents interviewed stated they are not interested in working and like being retired.</p>	<p>Compliant</p>
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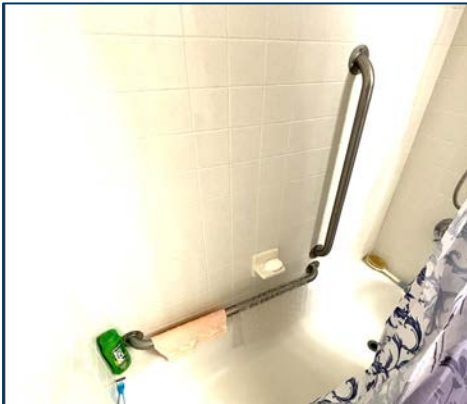
<p><b>The setting is physically accessible to the individual.</b></p> <p><b>Validation methods:</b></p> <p><input checked="" type="checkbox"/> Interview(s) with administrative staff.</p> <p><input checked="" type="checkbox"/> Interview(s) with residents.</p> <p><input checked="" type="checkbox"/> Review 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 MN Statute 144G.11 “Assisted living facilities:(1) are subject to and must comply with chapter 504B;”</p> <p><input type="checkbox"/> State statutory requirement: As required under MN Statute 325F.722 Subd. 8., “Each exempt setting must comply with chapter 504B, and must obtain and maintain all other licenses, permits, registrations, or other required governmental approvals. An exempt setting is not required to obtain a lodging license under chapter 157 and related rules.”</p> <p><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 363A.10, Subdivision 1. “For purposes of section 363A.09, discrimination includes: (1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear; (2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.”</p> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS rule requirements. This right is reviewed with the resident upon move-in, and staff are trained on this right during orientation. Enter narrative here, Example: Setting’s policy/procedure is compliant. LALD and staff report the setting is fully accessible to the residents. Accommodations such as grab bars and shower chairs are available to residents. Residents report they can use and access all areas of their unit and shared spaces within the building. One resident stated during an interview “Oh, I get around here fine.”. Another resident said “Oh yeah, I can.” when asked if they are able to get around the building without any</p>	<p>Compliant</p>
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barriers. Grab bars and shower chairs were seen in resident apartments. The hallways were wide and there was a railing for residents to hang on to if needed.



*Grab bars in bathroom*



*Grab bars in bathroom*

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

Compliant

**Validation methods:**

- Interview(s) with administrative staff.
- Review of setting's policy and procedure
- Review of person's support plan if a rights modification is in place.
- N/A. No residents at this setting, enrolled in Elderly Waiver, have a need for a Rights Modification at this time.
- State license requirement: As required under Mn Statute 144G.911, "The resident's rights in section 144G.91, subdivisions 12, 13, and 18, may be restricted for an individual resident only if determined necessary for health and safety reasons identified by the facility through an initial assessment or reassessment under section 144G.70, subdivision 2, and documented in the written service plan under section 144G.70, subdivision 4. Any restrictions of those rights for people served under chapter 256S and section 256B.49 must be documented by the case manager in the resident's support plan, as defined in sections 256B.49, subdivision 15, and 256S.10."
- State statutory requirement: As required under MN Statute 325F.722 Subd. 2. "(d) A restriction of a resident's rights under this subdivision is allowed only if determined necessary for health and safety reasons identified by a home care provider's registered nurse in an initial assessment or reassessment, as defined under section 144A.4791, subdivision 8, and documented in the written service plan under section 144A.4791, subdivision 9. Any restrictions of those rights for people served under section 256B.49 and chapter 256S must be documented in the resident's support plan, as defined under sections 256B.49, subdivision 15, and 256S.10."

**Narrative:**

Since this is a new setting, no residents are on EW or CADI waived services, so no residents would require a Rights Modification at the time of the visit.

<p><b>The setting provides people opportunities to access and engage in community life to the same degree as individuals not receiving Medicaid.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure, activity calendar(s)</li> <li><input type="checkbox"/> Observation of residents’ units during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144G.91, "Residents have the right to engage in community life and in activities of their choice. This includes the right to participate in commercial, religious, social, community, and political activities without interference and at their discretion if the activities do not infringe on the rights of other residents."</li> <li><input checked="" type="checkbox"/> State statutory requirement: As required under MN Statute 256S.10 Subd. 3, "Each participant's support plan must: (1) include the participant's need for service and identify service needs that will be or that are met by the participant's relatives, friends, and others, as well as community services used by the general public; (2) include the use of volunteers, religious organizations, social clubs, and civic and service organizations to support the participant in the community;"</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS settings rule requirements. LALD confirmed during interview that this right is reviewed with the resident upon move-in. Staff are trained on this right during orientation. Residents are given an assessment when they move in to identify interests and activities they would enjoy. Residents also provide feedback on activities and events during the monthly resident council meetings. Activity calendars are posted all around the building, including the elevators. Setting provides transportation for some activities in the community. If it’s not provided, staff assist residents in scheduling rides. During an interview with a resident, he was asked how he knows what’s going on for activities in any given day. He responded, “They have calendars posted all over the building.” There is a binder where residents can sign up for community activities that are offered. This setting has a large number of residents who still drive and they are very active in getting out into the community with family, friends, or other residents at Woodlake. Fifty of the garage spaces are rented by residents to keep their vehicles in. The residents manage a library in the building. They handle managing the library by partnering with the local library.</p>	<p>Compliant</p>
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Some examples of activities that have been offered include:

- Trips to a nearby orchard
- Dinner or other activities at the local VFW
- Drives to see the fall leaves
- Shopping for plants and flowers at Bachman's.
- Dinner at local restaurants
- Saints baseball game
- The Science Museum of MN
- Trips to the zoo
- Fishing
- Drives to see Halloween Decorations
- Christmas lights tour
- Shopping at the local thrift store
- The state fair

For the people who still drive, some of the activities that they have attended with peers include:

- Casino trips
- Shopping
- Church Services
- Movies
- Church retreats
- Church "tenting" or camping

Family members are very active with the residents and like to take them to events. These include:

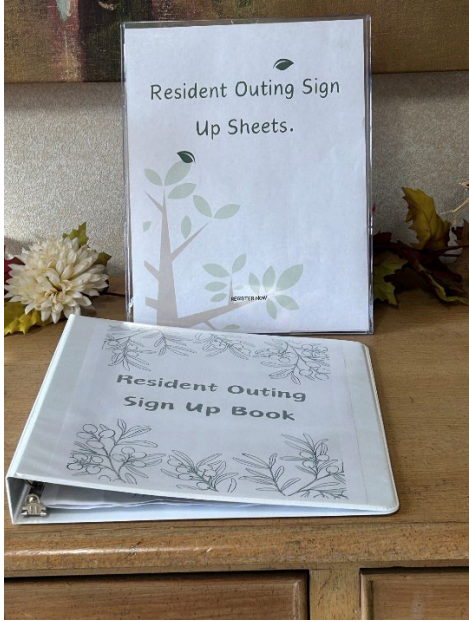
- Family celebrations like birthdays, graduations, weddings
- Golfing
- Fishing
- Church services
- Out to eat at restaurants
- Christmas caroling
- County fairs and parades

There are onsite activities offered as well.

These include games like bridge and other card games, board games, BINGO, exercise classes. onsite church services, arts and crafts and movies.

Observed residents engaged in different activities. One group of residents was having coffee in the main lounge area, some were out on the deck, and another group left to go on a walk. LALD and staff confirmed that if residents don't want

to participate in an activity, that choice is honored and the resident is free to do as they choose.



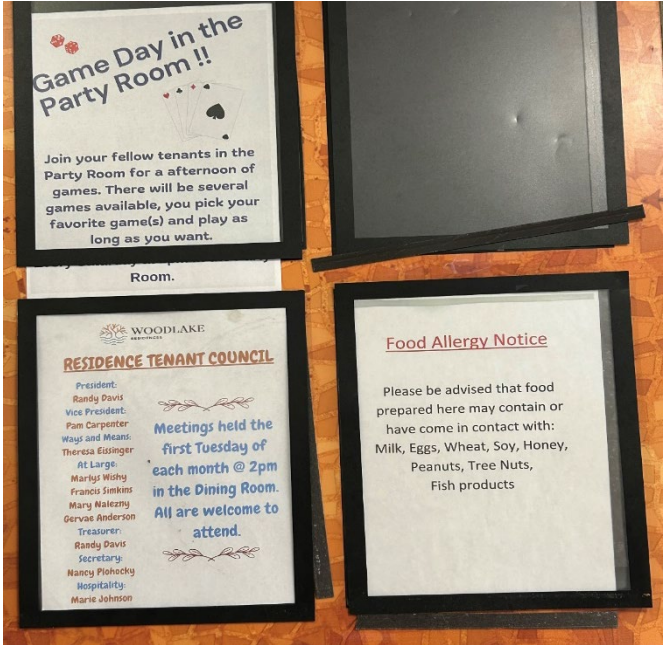
*Sign up binder for outings*



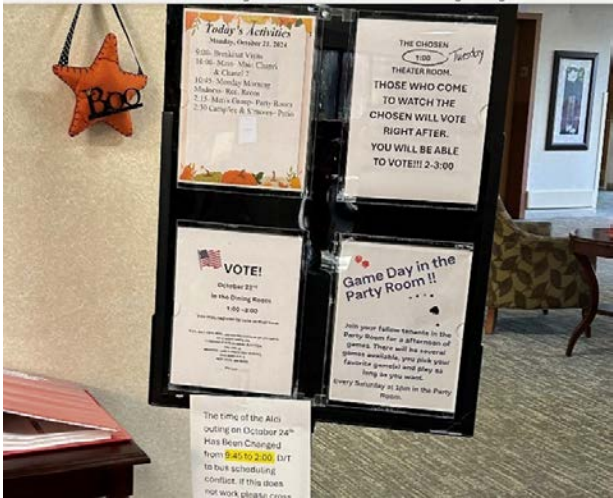
*Bulletin board with activities posted*



Resident run library



Information on the Tenant Council meeting



Information on outings and voting

**The setting supports the person’s control of personal resources to the same degree as individuals not receiving Medicaid HCBS.**

Compliant

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting’s policy and procedure
- State license requirement: As required under MN Statute 144G.91, "Residents have the right to control personal resources."
- State license requirement: As required under MN Statute 144A.479 Subd. 5., "(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession."

**Narrative:**

Setting does not assist residents with their personal funds. Residents interviewed stated that they either manage their own money, or one of their family members does. Residents feel they have the access they want to their money.



<p><b>The setting ensures people’s right to privacy.</b></p> <p><b>Validation methods:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Interview(s) with administrative staff.</li> <li><input checked="" type="checkbox"/> Interview(s) with residents.</li> <li><input checked="" type="checkbox"/> Review of setting’s policy and procedure</li> <li><input checked="" type="checkbox"/> Observation during on-site visit</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144G.91, "Residents have the right to consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Staff must respect the privacy of a resident's space by knocking on the door and seeking consent before entering, except in an emergency or unless otherwise documented in the resident's service plan." "Residents have the right to respect and privacy regarding the resident's service plan. Case discussion, consultation, examination, and treatment are confidential and must be conducted discreetly. Privacy must be respected during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance." "Residents have the right to communicate privately with persons of their choice."</li> <li><input checked="" type="checkbox"/> State license requirements: As required under MN Statute 144A.44 Subdivision 1., "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (10) have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information;"</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS settings rule requirements. LALD confirmed this right is reviewed with the resident upon move-in. Staff are trained on this right at orientation. LALD and staff reported in interviews that the setting ensures residents privacy by providing personal cares in residents apartment or in private area. Staff knock on their unit door prior to entering and wait for a response. Residents have private mailboxes. Observed a staff person redirect a resident in the elevator who was talking about some private matters. Staff were very kind about it and told the person they could talk about it when they got back to their apartment where it would be more private. When asked if the staff respect their privacy, one resident answered, "Oh yeah, they are pretty good about that". Another resident stated, "I have no worries about that".</p>	<p>Compliant</p>
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*Resident's private mailboxes*

<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 MN Statute 144G.91, "Residents have the right to be treated with courtesy and respect, and to have the resident's property treated with respect."</li> <li><input checked="" type="checkbox"/> State license requirement: As required under MN Statute 144A.44 Subdivision 1, "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (13) be treated with courtesy and respect, and to have the client's property treated with respect;"</li> </ul> <p><b>Narrative:</b></p> <p>Setting’s policy/procedures were reviewed and are compliant with HCBS settings rule requirements. The LALD confirmed during interview that this right is reviewed with the resident or authorized representative upon move-in. Staff are trained on this right at orientation During an interview, a resident said he feels that staff treat him with respect. He said, “Staff are respectful when providing personal cares, which is already hard for me”. Another resident said “The staff are really great. They treat us well”. Observed staff speaking respectfully to the residents. Observed a staff telling a resident to “Go ahead, I’ll wait” when the elevator was full. The care plan and “Know your resident” sheet for each person documents how the residents would like things done, preferences for time to wake up, day of the week for cares and similar information. This respects the resident’s choices.</p>	<p>Compliant</p>
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**The setting ensures people’s freedom from coercion and restraint.**

Compliant

**Validation methods:**

Interview(s) with administrative staff.

Interview(s) with residents.

Review of setting’s policy and procedure

Observation during on-site visit

State license requirement: As required under Mn Statute 144G.42, “The assisted living facility must comply with the requirements for the reporting of maltreatment of vulnerable adults in section 626.557. The facility must establish and implement a written procedure to ensure that all cases of suspected maltreatment are reported. And, Mn Statute 144G.63, “proper orientation and annual training is given to staff on the Vulnerable Adults Act, as well as the Assisted Living Bill of Rights and staff responsibilities related to ensuring the exercise and protection of those rights.”

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

**Narrative:**

Setting’s policy/procedure was reviewed and is compliant with HCBS settings rule requirements. Per policy and Elderly Waiver requirements, no restraints are used, and coercion is prohibited. Residents are informed of this right upon move in, and staff are trained on this right during orientation. Residents interviewed said they never felt forced to do anything by staff. The information on how to contact the Minnesota Adult Abuse Reporting Center is displayed on a table in the lounge.



*Information on a table about how to contact the Minnesota Adult Abuse Reporting Center*

**The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.**

Compliant

**Validation methods:**

- Interview(s) with administrative staff.
- Interview(s) with residents.
- Review of setting's policy and procedure
- Observation made during on-site visit
- State license requirement: As required under MN Statute 144G.91, "Residents have the right to individual autonomy, initiative, and independence in making life choices, including establishing a daily schedule and choosing with whom to interact."
- State license requirement: As required under MN Statute 144A.44 Subdivision 1., "(a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (2) receive care and services according to a suitable and up-to-date plan, and subject to accepted health care, medical or nursing standards and person-centered care, to take an active part in developing, modifying, and evaluating the plan and services;"
- State statutory requirement: As required under MN Statute 256S.10 Subd. 3., "Each participant's support plan must: (4) identify the participant's preferences for services as stated by the participant or the participant's legal guardian or conservator; (7) identify specific services and the amount, frequency, duration, and cost of the services to be provided to the participant based on assessed needs, preferences, and available resources;"

**Narrative:**

Setting's policy/procedures were reviewed and are compliant with HCBS rule requirements. LALD confirmed during interview that residents are informed of this right when they move in, and staff are trained on this right during orientation when Woodlake covers resident rights and person-centered services. LALD and staff confirmed during interviews that residents are free to make their own life choices and choose who they want to spend their time with. The setting has a "Know the resident" document that talks about likes and dislikes. During a resident interview, when asked if they feel like they get to plan their own schedule, they answered "Yes, for the most part. Some things have to be done at regular times like medications" Another resident was asked if they got to get up when they wanted and plan their own days, and he responded that he could.

Residents confirmed that staff were flexible about changing task times or rescheduling an activity. A staff interviewed stated “Oh, those types of changes happen all the time. We just reschedule or let them know when it can be done”. One resident shared that even though there is a lot of activities offered, he considers himself more of a “homebody”. He said he likes quiet and sometimes being around too many people stresses him out. He said he likes that he can just go back to his apartment when that happens. At the beginning of the site visit, a man walked over and started talking. He pointed to a group of people and told a story of how people would informally meet in the lobby to just chat. The residents turned it into a regular “coffee club” meeting.

I prefer to: sleep all night unless I call for assistance to be checked on every \_\_\_\_\_ hours

I like if/when: I am awoken with soft music and staff tell me Good Morning, I like to socialize and go to activities. I love any art projects and spend time working on these in my room\_\_\_\_\_

I dislike if/when: I am not allowed to make choices regarding attendance at activities and when I am disturbed at night if I do not call\_\_\_\_\_

My routine at home always includes coffee and cookies at 7:10 pm, and watching the news before bedtime. I have always attended a Bible Study once a week\_\_\_\_\_

My favorite activities are: sewing, painting, making crafts, helping others with projects, knitting, crocheting, weaving and making blankets. I enjoy Bible study and social activities\_\_

Please make sure that when you are helping me you remember that I like:

Day: To be awoken with soft music playing and pleasant voices.

Night: Watching the news before I am in bed and reading my Bible\_7:10 coffee and cookies that my daughter brings in\_

My favorite food is: Pot-Roast with carrots and potatoes, fresh bread and strawberry shortcake\_\_\_\_\_.

My favorite drink is: \_\_\_Coffee and Root beer\_\_\_\_\_

Sample of the “Know the Resident” form

# Additional pictures of the HCBS setting



*Beauty salon on site*



*Lounge area*



*Exercise room*





*Chapel*



## Public comment summary

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

There was one comment in general support of this settings' compliance with the HCBS Settings Rule Requirements.

DHS sought public comment from 8:00am on November 19, 2024, to 4:00pm on December 18, 2024, before submitting the setting to the Centers Medicare & Medicaid Services (CMS) for heightened scrutiny. We sought public comments using the following methods:

- Evidentiary packages posted online on the Home and Community Based Services Rule transition plan - Requirements for new HCBS settings page
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via November 18, 2024 eList announcement
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via eList announcement
- Notification to long-term care ombudsman office via eList announcement

## Minnesota's recommendation

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**Date of recommendation:** January 13, 2025

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