

# HCBS Final Rule Evidentiary Package

## Arbor Lane



### Setting information

Setting name: Arbor Lane - Ebenezer	ID # 30765
Street address: 13810 Community Drive Burnsville, MN	Phone: 952.898.4005
Setting website, if applicable: <a href="https://www.ebenzercares.org/arbor-lane-memory-and-specialty-care.html">Arbor Lane</a> ( <a href="https://www.ebenzercares.org/arbor-lane-memory-and-specialty-care.html">https://www.ebenzercares.org/arbor-lane-memory-and-specialty-care.html</a> )	Date of site visit: 9/14/2018

## Waiver service type

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

## Reason for heightened scrutiny

Prong type	Category	Type of setting
Prong 1 Located in a Public or Private Institution	HCBS Setting Type	Name of Institution Arbor Lane - Ebenezer

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

## General summary

*Arbor Lane is a customized living residential setting located on a continuum of care campus setting in Burnsville, Minnesota. Arbor Lane is located in a mixed commercial and residential area in close proximity to churches, restaurants, a healthcare complex, parks, and shopping. As of 2017 the United States Census Bureau estimated Burnsville has a population of 61,439. Arbor Lane is owned and managed by Ebenezer. The campus offers a range of services, including independent living, customized living, transitional care and skilled nursing care.*

*Arbor Lane offers customized living services, as well as customized living with 24 hour staffing that specializes in supporting people with memory and other cognitive care needs. Arbor Lane is connected to the transitional care facility. The customized living setting has 43 total people served, with 30 people requiring the 24 staffing and 13 in regular customized living. Currently there are 5 people on Elderly Waiver using customized living services at Arbor Lane.*

## 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 services are provided in housing with services establishments with the service provider directly licensed as a comprehensive home care provider by the Minnesota Department of Health. Customized Living services provide an individualized package of regularly scheduled health-related and supportive services provided to a person who resides in a qualified, registered housing with services establishment.

## 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 [Customized Living Component Service Definitions, DHS-6790H \(PDF\)](#).

(<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6790H-ENG>)

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

[CBSM page on Customized Living](#)

([http://www.dhs.state.mn.us/id\\_001787#](http://www.dhs.state.mn.us/id_001787#))

# 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.	
Determination	Summary
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<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><i>Arbor Lane is owned and managed by the Ebenezer organization. According to their website Ebenezer is “senior housing division” of Fairview Health System. Administratively, there is separation between the transitional care facility and the customized living setting. The settings have separate policies, directors, nursing, activities and resident assistant staff.</i></p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<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> (staff training materials that speak of the need to support individuals’ chosen activities), (person centered planning) (the staff is trained specifically for home and community-based support in a manner consistent with the HCB settings regulations.)</p> <p><i>During the onsite interview both the administrator and staff indicated direct care staff from the transitional care facility do not offer back up staffing to people in the customized living setting.</i></p> <p><i>As submitted by the provider, all staff are trained on the HCBS settings rule via training materials provided by EduCare.</i></p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<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> (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p><i>People have their transportation needs met through a mix of different organizations or people. Most do not rely on public transportation. The customized living provides transportation to community activities with a bus shared between Arbor Lane other Ebenezer facilities within close proximity. Some people receive transportation from other transportation providers such as Metro Mobility and family.</i></p> <p><i>During the onsite interview, the administrator reported, people are informed of different transportation options by asking staff at the front desk. The resident</i></p>

handbook, states that if people have transportation needs for a medical appointment they may contact the administrative office to facilitate a ride.

The resident handbook also states, "Arbor Lane offers various shopping trips and outings on a scheduled basis."

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

Arbor Lane has an entrance devoted to the customized living at 13810 Community Drive. The transitional care center has a separate entrance as illustrated below. Separating the customized living and the transitional care setting is hallway.

- Met
- Unmet
- Not applicable



## Community engagement opportunities and experiences

*At Arbor Lane, people are given opportunities to engage in the greater community approximately one time per week. People are informed of activities (both onsite and offsite) via monthly calendar that is delivered to each person's residence. People also learn about activities via announcements from staff. Some of the community activities include:*

- *Visit to apple orchards*
- *Scenic drives with volunteers*
- *Offsite choir practice*
- *Visit to the Largest Candy Store in the world (Jordan, Minnesota)*
- *Minnesota Twins professional baseball game*
- *One time a year camping trip for customized living residents*

*People are given the choice to participate in desirable activities and with anyone they choose. People choose activities via a sign-up book. Staff reported that people will also go out in the community with their family.*

*As reported by a monthly calendar, on-site, programmed activities include: worship services, cello music with Anna, piano by James, movie night, bingo, card games, ice cream social and McPhail Music for Life (see calendar of activities at the end of the report). People are given the opportunity to direct activities questions to staff at Arbor Lane.*

## HCBS characteristics

<p><b>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 attestation documentation, on-site observation or both.</b></p>	
<p><b>HCBS Rule requirement</b></p>	<p><b>Compliance status (Please select)</b></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><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p><i>The provider submitted a residency agreement that is compliant with the HCBS rule.</i></p>	<p>Compliant</p>
<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>Observed that people have locks on their individual units.</i></p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p><i>Choice of a roommate is supported as documented by of the resident handbook submitted by Arbor Lane.</i></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><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>

<p><i>At the time of the onsite interview both people's' apartments were decorated and furnished to their preferences.</i></p>	
<p><b>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>People each have their own kitchenette in their apartment and have access to food in a cafeteria located in the customized living setting. As reported in the Residency Agreement Handbook, The community provides residents with the freedom and support to control their daily schedules including access to food at any time.</i></p>	<p>Compliant</p>
<p><b>The setting allows people to have visitors at any time.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>Observed during the onsite visit was a sign-in sheet for visitors to the customized living. Addressed in the Resident Handbook is information that allow visitors to the customized living setting.</i></p>	<p>Compliant</p>
<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>Both interviewees indicated they are informed about the right to seek employment.</i></p>	<p>Compliant</p>
<p><b>The setting is physically accessible to the individual.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>Observed during the onsite visit was a physically accessible building. The common spaces and living units were observed to be accessible. Living units and bathrooms were observed to have many accessible features.</i></p>	<p>Compliant</p>

<p><b>The setting provides people opportunities to access and engage in community life.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>Stated on this report are examples to different engagement in community life. The setting supports trips into the wider community for practical purposes like errands and medical appointments, but also for socialization and community engagement. The staff make people living in the setting aware of transportation providers in their area. As reported by the administrator, people can make transportation requests by speaking with the front desk receptionist.</i></p>	<p>Compliant</p>
<p><b>The setting supports the person’s control of personal resources.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p><i>The setting does not offer money management to people in the customized living.</i></p>	<p>Compliant</p>
<p><b>The setting ensures people’s right to privacy.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p><i>The right to privacy is addressed in the Resident Agreement Handbook Staff are trained on the Minnesota Homecare Bill of Rights which states a person has a right to privacy, and people also receive this document to information them of their right to privacy.</i></p>	<p>Compliant</p>
<p><b>The setting ensures people’s dignity and respect.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p><i>The right to be “treated with courtesy and respect and to have the client’s property treated with respect” is stated in the Minnesota Home Care Bill of Rights which is given to each person and staff are trained on. The person living in the setting who was interviewed said that her privacy was always respected by staff.</i></p>	<p>Compliant</p>

<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p><i>Staff are trained and persons are made aware of their right to be free from coercion and restraint through the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act.</i></p>	Compliant
<p><b>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p><i>Arbor Lane offers professional specialty services onsite. As stated earlier Arbor Lane is owned and managed by Ebenezer and according to their website Ebenezer is “senior housing division” of Fairview Health System. As such, most specialty care is provided by Fairview to the residents of Arbor Lane. As indicated by the administrator, Fairview health care is suggested and but a person is not required to use Fairview for services.</i></p> <p><i>The right to choose a provider is also echoed in the bill of rights given to people receiving services (“The right to 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, or other health programs.”). Further illustrating a right to choose, on the resident handbook states, “You are free to make your own arrangement for any health-related and supportive services you may need or desire while living at or with any other appropriate provider you may select.”</i></p>	Compliant

# Pictures of the HCBS setting

Sample of shared bus for community engagement



Sample of lockable unit



## Arbor Lane Activities Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>September 2018</b> Arbor Lane						10:00 Family Bingo 12:30 Coffee and Short Stories Music Listening Reminiscence Video
10:30 Worship Service – Chapel 12:30 Creative Corner Social Hour Classic Movie with Popcorn	9:30 Occupation Trivia 11:15 Exercise 1:00 Po-Ke-No – BS <b>Happy Labor Day!</b> Labor Day	9:45 Visits with Infants 11:15 Exercise – BS 1:00 Aromatherapy Hand Massages 2:15 Baking Activity 5:30 Bingo	10:30 Worship Service 12:30 Dog Visits with Moose 1:00 Accordion Music with Steve 2:15 Bingo - WP 5:30 Visits with O-Pre - BS 6:00 Dog Visits with Luna 7:30 Manicures	9:45 Toddler Visits 11:15 Exercise – BS 1:00 Timeslips 2:30 Scenic Drive 6:00 Cello Music with Anna – BS Dining Room 7:30 Walk and Sensory Activity - WP	10:45 Y-Pre Visits - WP 1:00 Flower Arranging – WP 2:00 Music by CODA - Chapel 3:00 Piano Music with James – WP 5:30 Year You Were Born – WP 7:00 Year You Were Born - BS	10:00 Exercise 12:30 Coffee and Short Stories Music Listening Reminiscence Video
10:30 Worship Service Streamed 1:00 Family Bingo 3:00 Dog visits with Oliver	9:30 Coffee & Conversation 11:00 Grandparent's Day session with Art with Heart 1:00 Dice Games – BS 2:15 Load Bus for Choir Practice 2:30 Large Motor Sport - WP	9:45 Visits with Infants 10:30 Catholic Mass 1:00 James Shaw – Multipurpose Room 1:00 Podiatrist Appointments 2:30 Aromatherapy Hand Massages 5:30 Bingo	9:30 Coffee & Conversation 10:30 Worship Service 12:30 Dog Visits with Moose 2:00 Bingo - WP 3:30 Visits with O-Pre - BS 6:00 Dog Visits with Luna 7:30 Ice Cream Social	9:45 Toddler Visits 11:15 Exercise – BS 1:00 Timeslips 2:45 MacPhail Music for Life – BS Dining Room 6:00 Cello Music with Anna – BS Dining Room 7:30 Walk and Sensory Activity - WP	Activity Staff at Annual Training 5:30 Movie Night with Popcorn - BS 6:30 Movie Night with Popcorn - WP	10:00 Family Bingo 12:30 Coffee and Short Stories Music Listening Reminiscence Video
10:30 Worship Service – Chapel 12:00 Vikings vs. Packers Social Hour Classic Movie with Popcorn	9:30 Coffee & Conversation 10:30 Intergen Football Fest 1:00 Dice Games - BS 2:15 Load Bus for Choir Practice 2:30 Large Motor Sport – WP 5:30 Cards and Games – BS 7:30 Cards and Games - WP	9:45 Visits with Infants 11:00 Intergen Birthday Party 11:15 Exercise – BS 1:00 Aromatherapy Hand Massages 2:15 Baking Activity 4:00 Catholic Mass 5:30 Bingo	9:30 Coffee & Conversation 10:30 Worship Service 12:30 Dog Visits with Moose 2:00 Bingo - WP 3:30 Visits with O-Pre - BS 6:00 Dog Visits with Luna 7:30 Manicures	9:45 Toddler Visits 11:15 Exercise – BS 1:00 Timeslips 2:45 MacPhail Music for Life – BS Dining Room 5:30 Baking Activity – BS 7:30 Baking Activity - WP	9:45 Depart for Apple Orchard 2:00 Cowboy Show - Chapel 3:00 Piano Music with James – WP 5:30 Year You Were Born – WP 7:00 Year You Were Born - BS	10:00 Exercise 12:30 Coffee and Short Stories Music Listening Reminiscence Video
10:30 Worship Service Streamed 1:00 Family Bingo 2:30 Social Hour – WP 3:00 Social Hour – BS	9:30 Coffee & Conversation 11:00 Art with Heart 1:00 Dice Games - BS 2:15 Load Bus for Choir Practice 2:30 Large Motor Sport - WP 5:30 Cards and Games – BS 7:30 Cards and Games - WP	9:45 Visits with Infants 11:15 Exercise – BS 1:00 Aromatherapy Hand Massages 2:00 Ice Cream social in ADC 5:30 Bingo	9:30 Coffee & Conversation 10:30 Blessing of the Animals Worship Service 12:30 Dog Visits with Moose 2:00 Bingo - WP 3:30 Visits with O-Pre - BS 6:00 Dog Visits with Luna 7:30 Ice Cream Social	9:45 Toddler Visits 11:15 Exercise – BS 1:00 Timeslips 2:45 MacPhail Music for Life – BS Dining Room 5:30 Baking Activity – BS 7:20 Vikings vs. Rams	9:30 Morning Walk 10:45 Y-Pre Visits - WP 1:00 Flower Arranging – WP 2:00 Cowboy Show with Todd Anderson - Chapel 5:30 Movie Night with Popcorn - BS 6:30 Movie Night with Popcorn - WP	10:00 Family Bingo 12:30 Coffee and Short Stories Music Listening Reminiscence Video
10:30 Worship Service – Chapel 12:30 Creative Corner Social Hour Classic Movie with Popcorn	Residents from either community are always welcome to activities and events taking place at other locations. Activities are subject to change.					
Arbor Lane Memory Care is located at 15810 Community Drive, Burnsville, MN 55337.						Any activity questions can be directed towards Brittni Durham, CYRS at (952)891-6643.

*For residents in customized living illustrated below is access to a recreational space and game/art studio.*



## Public comment summary

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

DHS sought public comment for 30 days (Feb. 6-March 7, 2019) before submitting settings to the Centers Medicare & Medicaid Services (CMS) for heightened scrutiny.

We sought public comments using the following methods:

- Evidentiary packages posted online on the [Home and Community Based Services Rule transition plan page](#)
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [Feb. 6, 2019, eList announcement](#)
- Notification to lead agencies via regional resource specialists
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via email
- Notification to long-term care ombudsman office via email
- Disability Hub MN virtual insight panel.

## Minnesota's recommendation

**Date of recommendation: 4/1/2019**

**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.**