

HCBS Final Rule Evidentiary Package

Benedictine Court



Setting information

Setting name: Benedictine Court	ID # 1001064
Street address: 1906 Sunrise Drive St. Peter, MN 56082	Phone: 507-934-2203
Setting website, if applicable: Benedictine Living Community of St. Peter (http://www.blcstpeter.com)	Date of site visit: 10/11/2018

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 checked="" 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	Name of Institution	Benedictine Health Center

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

General summary

Benedictine Court is a customized living setting located on the campus of Benedictine Living Community of St. Peter. This is a continuum of care campus that includes customized living, customized living with 24 hours supervision (called “memory care” on this campus), independent living, short term rehabilitation, and skilled nursing services. The campus is privately owned and managed by Benedictine Health System.

This setting is located in St. Peter, Minnesota. St. Peter is in south central Minnesota, in Nicollet county. St. Peter is a rural town, with a population of 11,196 people as of the 2010 census.

Benedictine Court currently has 46 apartments, and at the time of the site visit, two people were using the Elderly Waiver to pay for 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 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/main/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>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>The customized living setting is run separately from the nursing facility. It has its own Housing Director and a Nursing Director that is different from the nursing facility. They have separate activities as well. The campus is overseen by one administrator.</p>

Met
 Unmet
 Not applicable

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,, (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.)

The customized living setting does not share staff with the skilled nursing facility. The only exception is an on call R.N. All staff who work in the customized living setting receive training on the HCBS rule.

Met
 Unmet
 Not applicable

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; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)

People living in this setting having many different transportation options available. Benedictine Court has its own 15 passenger accessible van that is used for activities and appointments. There is a Dial-A-Ride service that is a public transportation option. In addition, volunteers and family also provide rides to people living there. There is a scheduled campus bus that loops around the campus giving people easy access to other buildings on campus like the hospital.



Campus bus

- Met
- Unmet
- Not applicable

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

The customized living setting is connected to the nursing facility via a long hallway. In the photo below, the customized living setting is outlined in a blue rectangle. The red rectangle is the nursing facility and the green star is the connecting hallway.



Below is a photo of the connecting hallway.



Community engagement opportunities and experiences

Benedictine Court offers the people who live there with many opportunities to stay involved and engaged in their communities. They gather input from people when they move in, as well as in their monthly tenant meetings. They also have joint meetings with tenants and their families to gather feedback, including feedback on community opportunities. People living there are also interviewed every year, part of which covers their satisfaction of activities offered. People are informed of scheduled activities through a monthly calendar that is distributed. Staff also give reminders of upcoming activities, and the calendar is posted on a bulletin board.



Community activities offered include:

- Attending the Senior Expo
- Visiting gardens
- Going out to eat at restaurants
- Visiting lakes and fishing trips
- Fall and Holiday lights scenic drives
- Visiting New Ulm for various activities, including German food and traditions.
- Attending parades
- Shopping

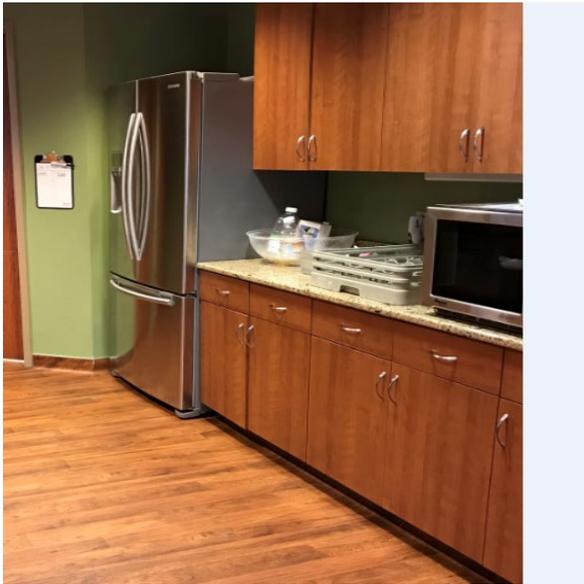
People also experience the community with friends and family. They go to the Senior Center, shopping, to appointments, out to eat, and to family celebrations and gatherings.

Benedictine court offers on-site activities such as exercise, religious services, arts and crafts, music, board and dice games and bingo.

HCBS characteristics

<p>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.</p>	
<p>HCBS Rule requirement</p>	<p>Compliance status (Please select)</p>
<p>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Benedict Court submitted an HCBS compliant lease template. In addition, when interviewed, people indicated that they had a lease in place.</p>	<p>Compliant</p>
<p>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</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>Each person has a lock on their unit door. People were observed using their keys to get into their apartments. When asked if the setting respects their privacy, people living there said that staff are good about respecting privacy. People interviewed said staff always knock and wait to come in.</p>	<p>Compliant</p>
<p>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Not applicable. This site does not have shared bedrooms, except when the person chooses to share their room with a spouse, partner or friend of their choice.</p>	<p>Compliant</p>

<p>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</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>While interviewing people in their apartments, observations were made of personal items such as pictures and decorations which were their own and expressed their interests. When interviewed, people said they could decorate their unit however they wanted. In addition, many people had decorated the entry way to their unit as shown in this picture.</p>	<p>Compliant</p>
<p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</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>When asked, people reported that they controlled their own schedule and one person said “I do everything myself, when I want to”. People interviewed also indicated that they could get food at any time, either by accessing their food storage/kitchen in their unit or by going to the one of the community kitchen areas where they could get snacks.</p> <p>Another person said staff would package up a meal if you missed it, and that you can ask for food when you are hungry.</p>	<p>Compliant</p>



Kitchen in an apartment unit and the kitchen available in the common area for snacks.

The setting allows people to have visitors at any time.

- Compliant documentation submitted with attestation
- Observation made during on-site visit



Private room available for use

Compliant

<p>People interviewed said that they can have visitors at any time. The setting offers a private room for groups and events that people can use for larger parties and family celebrations.</p>	
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</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>Interviews with the administrator and the staff confirmed that there are no people who live in the setting that are currently employed. People interviewed said they no longer desire to work. Staff interviewed said if a person wanted to work or volunteer, they would be flexible with the schedule and cares to accommodate a person’s work or volunteer schedule.</p>	<p>Compliant</p>
<p>The setting is physically accessible to the individual.</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>Accessible features were observed people’s apartments. Grab bars, flexible shower heads, and shower bench were observed in a person’s bathroom. When asked if they are able to get around their apartment and the building, a person responded “Oh yeah!”</p>	<p>Compliant</p>
<p>The setting provides people opportunities to access and engage in community life.</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>See Community Engagement Section. Although the campus has services available on site, such as occupational and physical therapy, people are given information on how they can use a community provider of their choice when they move in. It is in their rental</p>	<p>Compliant</p>

<p>agreement and they also receive brochures and pamphlets with provider choices. As medical/therapy needs come up, they are given information at that time as well. If they choose an off-site provider, staff will assist them with setting up transportation. Two people interviewed said they have their appointments in the community and receive help setting them up and with transportation.</p>	
<p>The setting supports the person’s control of personal resources.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>This is non-applicable. The setting does not provide money management.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</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>Observed staff knocking before entering people’s units. During the interviews with people in the setting, they confirmed that the staff respect their privacy.</p>	<p>Compliant</p>
<p>The setting ensures people’s dignity and respect.</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>Observed staff respectfully interacting with people living in the setting. This included speaking to people directly and with a respectful tone. The people interviewed said they really like the staff and that they take care of them.</p>	<p>Compliant</p>
<p>The setting ensures people’s freedom from coercion and restraint.</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>Staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act, which address this right. People living at the setting are also given this information. In addition, the setting had the Ombudsman’s and the Office of Health Facilities’ contact information posted prominently on a main bulletin board. There was also a concern form drop box available.</p>	<p>Compliant</p>

<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Compliant documentation submitted with attestation<input checked="" type="checkbox"/> Observation made during on-site visit <p>People interviewed said they felt that they could make their own choices about what to do and when. One person said she likes choosing activities from the schedule and especially likes scrapbooking and the game “double dice”. Staff confirmed that they can be flexible if someone prefers to have an activity or care done at a certain time or wants to switch times. Another person says she likes having a washer and dryer in her apartment so she can do laundry when she wants to.</p>	Compliant
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Pictures of the HCBS setting



Washer and Dryer in a unit



Concern drop box



Lounge area



Dining room



Gazebo outside



Exercise equipment

Public comment summary

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

DHS sought public comment from April 30, 2019, to June 9, 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 [May 10, 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: 7/1/2019

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.