

HCBS Final Rule Evidentiary Package

Boutwells Landing – The Commons



Setting information

Setting name: Boutwells Landing – The Commons	ID #21362
Street address: 5600 Norwich Parkway Oak Park Heights, MN 55082	Phone: 651-275-5000
Setting website, if applicable: Boutwells Landing (http://www.boutwells.org/)	Date of site visit: 2/5/2019

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	Name of Institution The Gables Care Center

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

General summary

Boutwells Landing is located in Oak Park Heights, a city in Washington County, Minnesota. Oak Park Heights is located approximately 20 miles east of Saint Paul, Minnesota. The population was estimated at 4,918 per census data in 2017. Boutwells Landing is located in a residential and commercial neighborhood, adjacent to a public park and about one mile from the public high school. It takes approximately two minutes to drive to the main commercial businesses along state highway 36.

Boutwells Landing is a customized living setting with 101 apartment units. On the campus, Boutwells Landing customized living setting is also referred to as “The Commons.” At the time of the site visit, the setting served seven people supported by a home and community-based waiver program and 90 people supported by other funding sources.

The customized living setting is located on a campus that includes The Gables Care Center, a nursing facility that provides skilled nursing care and rehabilitation services. Presbyterian Homes and Services, a non-profit, faith-based corporation, owns and operates the entire campus. Presbyterian Homes and Services is governed by a board of directors comprised of local business and community members.

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 tasks (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting people with arranging meetings and appointments, assisting with money management, assisting people 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) (<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 for customized living services](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>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>Boutwells Landing and The Gables Care Center share administrative oversight but have separate budgets, day-to-day operations and staffing. Boutwells Landing has a dedicated clinical administrator, housing administrator and residential services director who serve as the day-to-day operations team, and dedicated full-time health aides who provide services to residents. Boutwells Landing has a separate address and entrance apart from the nursing facility. Food services are prepared in a dedicated kitchen and served in a dedicated dining room. Boutwells Landing has a dedicated activity program, as well as activities and events for residents.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross-trained to meet the same qualifications as the HCBS staff.</p> <p>Administration confirmed all staff that work in the customized living setting are trained specifically for home and community-based support in a manner consistent with the HCBS settings regulations. Administration confirmed nursing facility staff are not scheduled to work with people at the customized living setting on the same shift.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options.</p>

Boutwells Landing is located in a suburban area with limited public transportation. The campus has an accessible activity bus that residents use for local transportation needs (e.g., shopping and non-medical appointments). The setting also has a campus "Medi-van" that provides transportation to medical appointments in the region.



Transportation flyers and shopping outing announcement



Transportation kiosk in the campus "Town Center." Pictured are transportation flyers and announcements for residents.

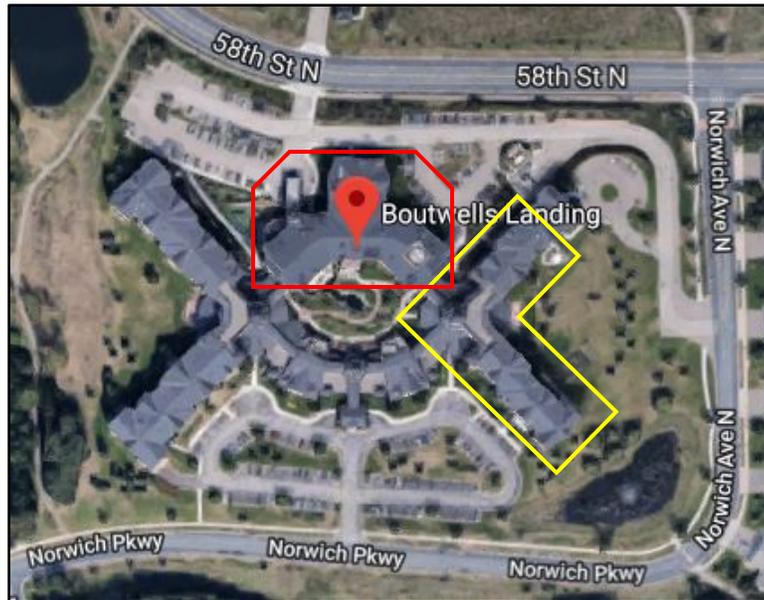
family transports and their own vehicles. Transportation options are posted on bulletin boards, at the campus transportation kiosk, in the admission packet and in the resident handbook.

Residents also use local private transportation providers, such as city taxis, Allegiance Transportation and Go-Go Grandparent, as well as public shared-ride services such as Dial-a-Ride and Transit Link. Some residents enrolled in managed care services may use BlueRide or Ride Connect services to travel to medical appointments covered under waiver programs. People at the setting also use

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

Boutwells Landing provides services in a space that is distinct from the space used by the nursing facility. Customized living services are provided in a separate building of the larger complex, connected via an indoor hallway. The setting has separate outside signage and a separate address and entrance from the nursing facility. In the picture below, Boutwells Landing – The Commons is outlined in yellow, and The Gables Care Center is outlined in red.

- Met
- Unmet
- Not applicable



Aerial view of Boutwells Landing campus, with Boutwells Landing outlined in yellow, and The Gables Care Center outlined in red

Community engagement opportunities and experiences

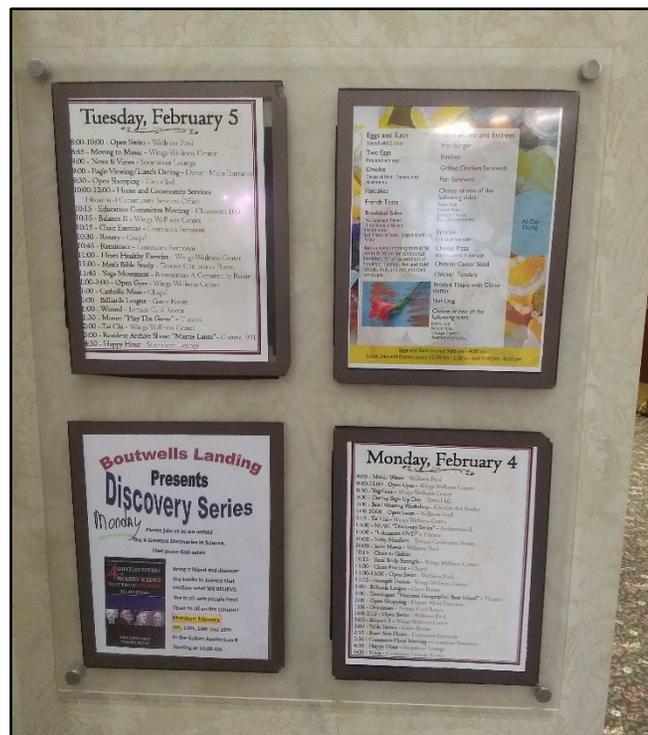
Community engagement is supported formally by setting staff through setting activities and informally by family and friends from the greater community. Administration staff reported they survey residents to obtain their personal preferences, and they support the residents' choices in activities and schedules. Activities are tailored with feedback from people who live at the setting through resident council meetings and discussions with people, and also by obtaining resident preferences during admission and at regular health assessments.

People are notified of community activities through a calendar of community events, a setting-specific monthly newsletter, flyers, sign-up sheets and staff reminders. These may include:

- Theater and music outings
- Holiday activities
- Community events
- Local restaurants
- Nature viewing
- Shopping.

People living at the setting also have the option to go out on their own or with family and friends, and also by using public and private transit options. These trips include:

- Family events
- Sightseeing
- Church services and events
- General errands and shopping
- Meals at local restaurants
- Sporting events.



Daily activity calendars for residents and a daily menu and "discovery series" learning opportunity

The setting provides an activity program for people to participate in at the setting, and some activities are open to residents of the care center. People are informed of on-site activities through bulletin board announcements, a monthly newsletter, staff announcements and reminders.

Examples of on-site activities include exercise and fitness programs, book club, live music performances, movie showings, birthday parties, craft activities, board games, educational talks, holiday parties and faith activities.

People living at the setting have the option to choose not to participate at any time. Per staff and residents, they are offered alternative times or activities, and they are free to participate in activities of their choosing.



Pool with accessibility ramps available to residents



Exercise equipment in workout room available to residents

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 attestation documentation, on-site observation or both.	
HCBS Rule requirement	Compliance status
<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>The setting provided an HCBS compliant lease agreement as documentation through the provider attestation process. Administration also provided a blank lease agreement at the site visit.</p>	Compliant
<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>Locks were observed on all unit doors in the setting. One resident stated she locks the door when she is out of her living unit for an extended period of time.</p>	Compliant



Entrance to a resident's living unit with lockable door and personalized decorations visible

<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>Administration and staff reported people in the setting do not share rooms unless they share with a spouse, partner or other person of their choice. Administration confirmed there currently are four couples sharing living units.</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>The residency agreement allows people in the setting to decorate and personalize their living units. Living units were observed during the site visit and were decorated according to the residents' tastes and preferences, including family pictures, memorabilia, crafts and decorative items. At the site visit, it was observed many people put up personalized decorations in the entrance to their living units.</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>Compliant</p>

Staff and residents confirmed people living at the setting have the freedom and support to control their own schedules, specifically waking up and going to bed, coming and going to and from the setting and eating when they would like. Each living unit at the setting is equipped with a full kitchen, and residents reported they store food in their pantry and refrigerator. Residents stated if they are hungry, they let staff know, and staff accommodate their needs.



Full kitchen in a vacant living unit with stove, refrigerator and storage cabinets

The setting allows people to have visitors at any time.

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

Staff confirmed people living at the setting may have visitors at any time. During the site visit, visitors were observed coming and going to and from the setting. One resident stated she has frequent visitors and can “buzz them in” via remote intercom.

Compliant

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

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

One resident stated she works part-time using her computer. Staff confirmed they would accommodate residents who wish to work outside the setting by coordinating transportation, helping the person

Compliant

<p>get ready for work and providing a flexible service schedule. Staff reported they would save meals or provide a packed lunch depending on the resident's needs.</p>	
<p>The setting is physically accessible to the individual.</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>Common spaces were observed to be accessible to people living at the setting. At the site visit, hallways were observed to be equipped with handrails, and grab bars were observed in a vacant living unit. People who live at the setting indicated living areas and common areas were accessible to them. The setting provided a policy and procedure document outlining how residents may make requests for accessibility accommodations pursuant to the Americans with Disabilities Act and the Fair Housing Act.</p>	<p>Compliant</p>
<p>The setting provides people opportunities to access and engage in community life.</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>The setting supports opportunities to access and engage in community life. Practical activities are supported (e.g., errands and medical appointments), as well as personal engagement (e.g., social and family outings, faith-based activities and meals in the community). Local social groups (e.g., Lion's Club) also use the setting facilities to host events and meetings.</p> <p>Setting staff provide information and resources on transportation options to access the greater community. Staff help people arrange transportation as needed, and staff confirmed many people arrange their own transportation.</p>	<p>Compliant</p>

Activities are tailored with feedback from people who live at the setting through resident council meetings and discussions with people, and also by obtaining resident preferences during admission and at regular health assessments.

Administration confirmed people living in the setting are informed of their right to choose any medical provider through the admission process and the Minnesota Home Care Bill of Rights. Staff and people living at the setting confirmed there are no restrictions for people wishing



"Town Hall" meeting room with announcement for local Lion's Club social group

to switch to a new provider. Staff confirmed many people go to medical appointments in the community and surrounding larger cities, such as Stillwater, St. Paul and Minneapolis.

The setting supports the person's control of personal resources.

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

The setting provided a Resident Trust Fund policy, which allows residents to deposit and withdraw personal funds as needed. Staff and people living in the setting confirmed residents have full control over their personal finances.

Compliant

The setting ensures people's right to privacy.

- Compliant documentation submitted with attestation

Compliant

<input checked="" type="checkbox"/> Observation made during on-site visit Administration confirmed staff are trained to respect the privacy of people living at the setting through HCBS settings rule training and the Minnesota Home Care Bill of Rights. During the site visit, staff were observed knocking on people’s living unit doors to obtain permission to enter.	
The setting ensures people’s dignity and respect. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Administration confirmed staff are trained to ensure the dignity and respect of people living at the setting through HCBS settings rule training and the Minnesota Home Care Bill of Rights. During the site visit, staff were observed addressing people by their chosen names, and people living at the setting were dressed in clothing of their choosing.	Compliant
The setting ensures people’s freedom from coercion and restraint. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Administration confirmed staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act.	Compliant
The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit People in the setting were observed to lead their own lives, plan their own daily schedules and arrange their days as they would like. Staff confirmed customized living services accommodate the schedules of the people served in this setting. Residents confirmed staff would accommodate their personal schedules by saving a meal or providing flexibility in meal times.	Compliant

Pictures of the HCBS setting



Central courtyard at Boutwells Landing



Interior signage directing to customized living setting, town center and nursing facility



Town Center with store and café signs. Residents may order meals in the café as an alternative to dining room if they choose



Residents' mailboxes

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.