

HCBS Final Rule Evidentiary Package

FCL Limited Partnership



Setting information

| | |
|---|--------------------------------|
| Setting name: FCL Limited Partnership | ID number: 21574 |
| Street address: 4200 40th Ave. N Robbinsdale, MN 55422 | Phone: 612-670-2448 |
| Website, if applicable: Copperfield Hill (https://www.copperfieldhill.com/) | Date of site visit: 11/20/2018 |

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 3 Effects of isolating characteristics | Effect of isolating characteristic | Is one of multiple homes located on the same street or adjoining property that shares programming activities |

Note: The term people/person (resident for residential settings) refers to people who receive Medicaid HCBS waiver service(s).

General summary

Copperfield Hill operates several senior living facilities in Robbinsdale, MN, a suburb of Minneapolis. The company offers independent living, assisted living and memory care. Copperfield Hill FCL Limit serves eight people under the Elderly Waiver and CADI and 156 total people at the setting. The collocated settings are located alongside downtown Robbinsdale, near a commercial area with local small businesses, fast food restaurants and a residential neighborhood on a small lake.

Check this box if setting meets CMS' definition of Continuing Care Retirement Community (CCRC). CMS CCRC definition: A housing community that provides different levels of care based on what each resident needs over time. This is sometimes called "life care" and can range from independent living in an apartment to assisted living to full-time care in a nursing home. Residents move from one setting to another based on their needs but continue to live as part of the community. See [Guidance on settings that have the effect of isolating individuals from the broader community \(PDF\)](https://www.medicare.gov/medicaid/hcbs/downloads/settings-that-isolate.pdf) (<https://www.medicare.gov/medicaid/hcbs/downloads/settings-that-isolate.pdf>)

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 3 settings

Meaningful distinction between collocated settings

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>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings) and how the provider assures interests and preferences are supported at an individual level</p> <p>The administrator and staff reported each collocated setting has a dining room and its own activity calendar, but people can choose where to eat and do activities so there is daily movement back and forth. One staff reported people are welcome to go to the other collocated setting. The administrator reported the activities director meets with each person and his/her family when the person moves in to find out what activities they enjoy. Activities are developed separately for each collocated setting.</p> |
| <input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable | <p>Describe the extent to which staff are scheduled to work with people at the other collocated setting (s) on the same shift:</p> <p>The administrator reported staff-sharing does not happen between the HCBS setting unless it is an “emergency.”</p> <p>Two staff reported once a week they are scheduled to go back and forth during the day between the memory care units in the collocated setting (they call it “floating”). A staff added that each memory care unit has a dedicated RN that stays at that building.</p> <p>Staff are trained to review each person’s care plan prior to delivering services to the person. Staff access a person’s care plan through an e-charting system via an iPad. When a person’s care plan is updated, staff review the changes when they log in the e-chart. Staff are educated and trained on this requirement during orientation.</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 other co-located setting (s), to the exclusion of other options</p> <p>We observed transportation information posted in public areas. The administrator reported there are two shared vehicles for activities available for people to use as needed. Staff reported some people use</p> |

| Determination | Summary |
|---------------|--|
| | Metro Mobility, and people who have an assessed need may also receive an escort when documented in their person-centered plans. Generally, people will use the transportation provided by the setting. |

Community engagement opportunities and experiences

The administrator reported some people go out on their own (without staff) weekly, although others prefer to stay on site. The activity director creates separate monthly calendars for each collocated setting that incorporates both on-site and off-site activities, with input from people receiving services and their families when applicable. These calendar are posted in common areas, broadcasted on TVs in the setting, delivered to each person in his/her personal mailbox and room and available online. FCL Limited uses its vehicle for planned, shared activities. Staff encourage people to attend activities and will assist with alternative transportation to attend their preferred activities and assist to identify other activities available if a person would like to do something not previously scheduled.

Each collocated setting has its own monthly resident council. At the monthly resident council, people are able to express concerns and ideas for future activities and changes. FCL Limited responds to concerns raised by the resident councils. The department leaders are invited to attend the resident council meetings.

A person interviewed reported they are “a goer” and go on community outings more than twice a week. Staff reported they encourage people to participate in more activities when they may be “self-isolating.” There are off-site activities scheduled daily. Some community activities include:

- Holiday bus tour
- Restaurants
- Religious services
- Shopping
- Library
- Parades
- Harvest Fest
- Music in the Park
- Dollar Tree
- YMCA
- Walk in neighborhood (around lake) and regional parks.

Other activities onsite include bingo, keyno, live music (in memory care), card games, monthly birthday parties, therapy animals visits, “my journey book,” book club, happy hours, garden club and movies at their in-house theater. The agency also posts monthly activities calendars to the [Copperfield Hill - Activities](https://www.copperfieldhill.com/about-us/our-activities/) website (https://www.copperfieldhill.com/about-us/our-activities/) for people to view.

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 (please select) |
|---|-----------------------------------|
| <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>FCL Limited trains staff conducting lease signings on informing people of their right to a lease agreement. Staff use the “New Client Acknowledgment Form” highlighting each HCBS right to ensure people have multiple opportunities to be informed and ask questions about their HCBS rights.</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>FCL Limited informs people of their right to a lockable door through the “Occupancy Agreement,” part of the lease agreement, and the “Prospective Client and Home Care Provider Information” documentation.</p> <p>Staff are trained to use the “New Client Acknowledgment Form” highlighting each HCBS right to ensure people have multiple opportunities to be informed and ask questions about their HCBS rights. Staff are also trained on the appropriate ways to seek permission to enter a person’s living unit.</p> | Compliant |
| <p>The setting facilitates that a person, who shares a bedroom, is with a roommate of their choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> | Compliant |

| HCBS Rule requirement | Compliance status (please select) |
|--|-----------------------------------|
| <p>Each person has his/her own individual bedroom. The people interviewed reported they do not share their bedroom.</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>People reported they have the freedom to decorate and furnish their living units. We observed people are able to decorated and furnish their own rooms.</p> | Compliant |
| <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>The administrator and staff reported people have access to food at any time. People decide their daily schedule, including when and what activities they would like to participate in.</p> | Compliant |
| <p>The setting allows people to have visitors 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>The site visitor observed visitor logs with signatures. People are able to have visitors at any time.</p> | Compliant |
| <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>FCL Limited supports people to seek employment and work in competitive integrated settings. People are informed of this right through their Occupancy Agreement and the “Prospective Client & Home Care Provider Information” document. The provider also</p> | Compliant |

| HCBS Rule requirement | Compliance status (please select) |
|--|-----------------------------------|
| <p>includes information from Disability Hub MN when new people move in.</p> <p>FCL Limited incorporates into its initial nursing and ongoing nursing assessment questions that specifically ask if people are interested in working or volunteering. The ongoing nursing assessments are completed at least every 90 days. If a person responds they are interested in working or volunteering, the person is connected to employment resources.</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>People interviewed reported they can access all areas.</p> | Compliant |
| <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>For more information see the community engagement section.</p> | Compliant |
| <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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The provider does not assist people in money management or control of personal resources.</p> | Compliant |
| <p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> | Compliant |
| <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> | Compliant |

| HCBS Rule requirement | Compliance status (please select) |
|--|-----------------------------------|
| <p>We observed staff used people’s names, greeted them warmly and were friendly to people in the memory care unit.</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>We observed a locked door in the memory care unit restricting people from leaving. FCL Limited uses a person-specific initial nursing and ongoing nursing assessment to identify if a person has an assessed need to live in a secured environment, if he/she is able to use the locking mechanism and if an HCBS rights modification is needed. If yes, FCL Limited coordinates with the person’s case manager to implement an HCBS rights modification plan.</p> | Compliant |
| <p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</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>Both people interviewed reported they can decide what to do, and when, on a daily basis. Copperfield Hill has an online calendar of activities listed for people to choose what they would like to participate in each day. The website also includes special events highlighted in a monthly newsletter. See Copperfield Hill - Activities (https://www.copperfieldhill.com/about-us/our-activities/)</p> | Compliant |

Pictures of the HCBS setting



Public comment summary

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

DHS sought public comment from Aug. 5, 2019 to Sept. 4, 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 [Aug. 5, 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: 10/1/2019

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.