

HCBS Final Rule Evidentiary Package

Heritage Pointe Assisted Living



Setting information

Setting name: Heritage Pointe Assisted Living	ID #: 26321
Street address: 104 Norman Ave. S, Foley, MN 56329	Phone: 320-968-6425
Setting website: Heritage Pointe Assisted Living (https://heritageoffoley.com/services/heritage-assisted-living)	Date of site visit: 7/16/2018

Waiver service type

Waiver service	Service type:
<input checked="" 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 Foley Nursing Center

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

General summary

Heritage Pointe Assisted Living is located in the city of Foley, Benton County, about 70 miles north of Minneapolis. Foley had a population of 2,634 in 2017.

Heritage Pointe Assisted Living provides customized living services to seven units. At the time of the provider attestation, the setting served four people supported by a home and community-based waiver program.

The customized living setting is connected to the Heritage of Foley continuum of care campus, which includes a second customized living setting, Heritage Place Assisted Living, which will be addressed in a separate evidentiary package. The campus also includes the Foley Nursing Center (nursing facility), an adult day services program and a transitional care unit. The campus is owned and operated by Heritage of Foley.

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 to a person who lives 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](#)

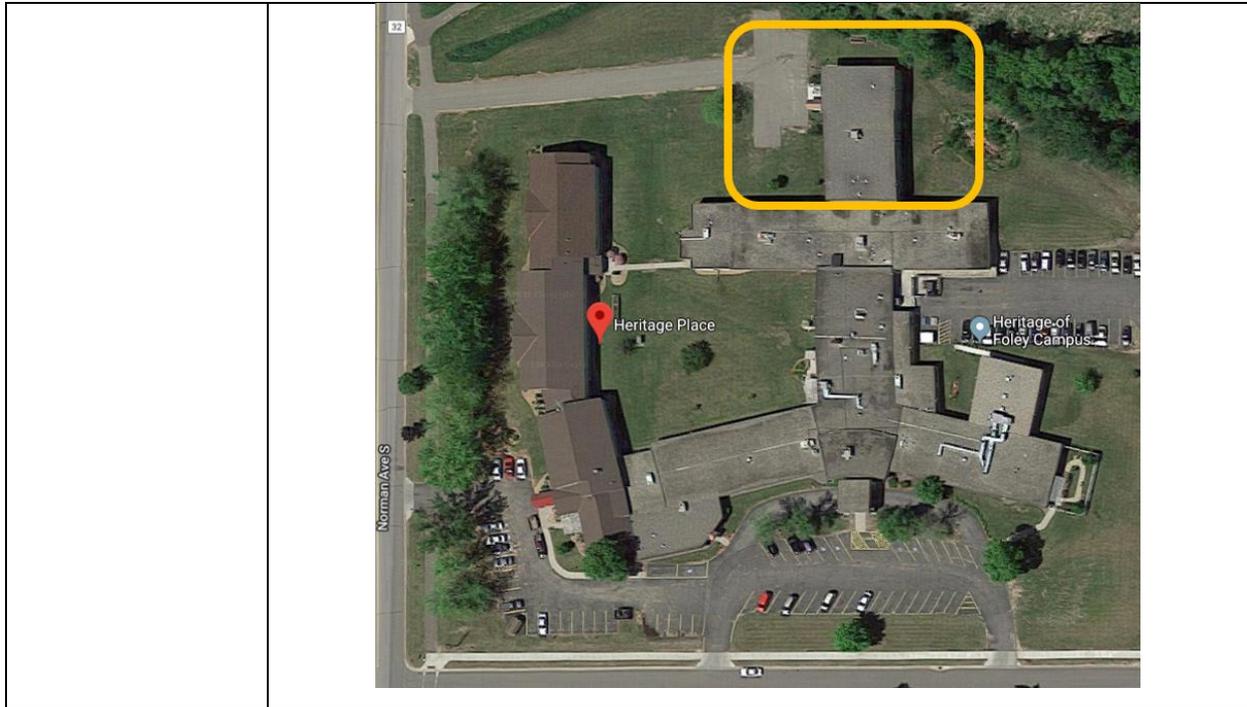
(http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_001787#)

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>Heritage Pointe Assisted Living, the customized living setting, has a separate director and a housing manager who oversee housing and nursing services in the setting. The director and manager report to the administrator of the campus. The setting is financially connected to the entire campus, but it manages decisions about financial matters at the setting level as well.</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; (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 HCBS settings regulations.)</p> <p>All staff in the customized living setting receive HCBS settings rule training and other relevant training and orientation for the setting. The nursing facility staff do not work in the customized living setting.</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; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>People living in this customized living setting have several options for transportation to support community engagement and inclusion, including: County public transit, a volunteer driver program, rides from family and friends and people’s own vehicles.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space in which institutional services are provided.</p> <p>The customized living setting is separate from the nursing facility. The nursing facility faces Pine Street and has a different style of construction. The customized living setting faces Norman Avenue, a different side of the campus. The customized living setting has its own signage, entrance and parking lot. People served in the setting and visitors come and go from a separate entrance from the nursing facility.</p> <p>The image below shows the setting circled in gold at the north end of the care campus. The setting includes its own entrance, which is pictured on page one of this report, and a parking area and driveway which can be seen in the photo below. The rest of the campus is below and to the left of the setting.</p>



Community engagement opportunities and experiences

Community engagement is overseen by the setting's director and housing manager. People served in the setting provide input through interest assessment forms, tenant meetings and direct communication with staff. People learn about activities offered in the setting through an activity calendar and through reminders from staff.

The setting supports regular outings in the community with the support of community transportation providers and the family and friends of people in the setting. Outings include:

- Trips to the bank
- Grocery shopping
- Trips to shopping centers
- Restaurants
- Community events, including town festivals, parades and the county fair
- Worship services, funerals and other faith community events

The setting also offers a few events per year that draw larger numbers of people from the wider community, including a car show, a spring event with live musicians and a fall festival.

On-site, programmed activities include: art-making, baking, movies, exercise sessions, social gatherings and chapel services.

People living in the setting also plan and participate in self-led activities, including card playing and social get-togethers, and outings into the community, including golfing, family meals and shopping trips in nearby St. Cloud.

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 type="checkbox"/> Observation made during on-site visit</p> <p>The setting provided a lease agreement as documentation through the provider-attestation process. A manager confirmed that each person receives a lease agreement.</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.</p>	Compliant
<p>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her 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>People living in this setting do not share rooms unless they share a room with a spouse, partner or other person of their choice.</p>	Compliant

<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 lease allows people in the setting to decorate and personalize their living units. Living units were observed during the site visit and were decorated as people desired.</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>The housing manager confirmed during the site visit that people living in the setting can control their daily schedules, in terms of waking, going to bed, coming and going and eating as they would like. People in the setting also have access to food at any time. They may store and prepare food in their living units, which have full kitchens, or request food from a setting staff person between meal times.</p>	<p>Compliant</p>
<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 campus administrator confirmed that the setting welcomes visitors at all times, according to the preferences of each person living in the setting. There is a separate entrance and a parking area for Heritage Pointe.</p>	<p>Compliant</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>The housing manager confirmed that the setting accommodates people’s preferences so that they can keep the schedule and commitments they prefer. The manager was not aware of any people in the setting who were working at the time of the site visit. The setting</p>	<p>Compliant</p>

<p>serves an older adult population. The staff said it was very rare that a person in the setting would still work.</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>The common spaces and living units were observed to be accessible. Living units and bathrooms were observed to have accessibility features. The setting supports a reasonable accommodations process, as needed.</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. Staff are aware of transportation options in their area and work with people in the setting to arrange for rides, as needed. The setting also informs people living in the setting of transportation options. The setting offers a varied activity calendar of on-site and off-site offerings.</p> <p>The campus administrator confirmed that people served in the setting are informed of their right to choose any medical service provider they like, on-site, or providers from the wider community.</p>	<p>Compliant</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>The setting has a compliant policy related to assisting people in the setting with their personal resources. People living in the setting are properly informed of this right.</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 type="checkbox"/> Observation made during on-site visit</p> <p>The setting has a compliant policy with respect to people’s privacy. The manager who was providing the tour of the setting knocked on a unit</p>	<p>Compliant</p>

<p>door so that we could view a unit. The manager waited for permission to enter.</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>During the site visit, staff were observed treating people living in the setting with respect and addressing people by name. A direct care staff member was observed having kind and respectful interaction with a person in the hallway of the setting.</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 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. A copy of the Home Care Bill of Rights is also given to people to inform them of their right to be free from coercion and restraint.</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> <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 of the campus confirmed that people served in the setting may manage their daily schedules as they choose, come and go as they please and connect with people and the wider community as they desire.</p>	<p>Compliant</p>

Pictures of the HCBS setting

 <p>HERITAGE OF FOLEY <i>A Community of HealthCare Services</i></p> <p><i>Join us for our Third Annual</i> Fall Festival Community Event</p> <p>Monday September 11th, 2017 1:30 pm - 6:00 pm 253 Pine Street, Foley MN 56329</p>    <p>Free Event - Open to the Public</p> <p><i>Afternoon activities include:</i></p> <p>St. Cloud Area Pan Towner's Car Show Live Entertainment Games & Activities</p> <p>Patriotic Tribute Food, Beverages and Treats</p> <p><i>Please call Jane with any questions, 968-6201 ext 136</i></p> <p>Events at the setting open to the wider public</p>	 <p>Accessible features in living unit bathrooms</p>
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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.