

# HCBS Final Rule Evidentiary Package

## Grace Court and Tranquility Place at Mother of Mercy Senior Living



### Setting information

Setting name: Grace Court and Tranquility Place at Mother of Mercy Senior Living	ID #: 32680
Street address: 220 Church St., Albany, MN 56307	Phone: 320-845-2195
Setting website, if applicable: <a href="https://motherofmercymn.org">Mother of Mercy Senior Living</a> ( <a href="https://motherofmercymn.org">https://motherofmercymn.org</a> )	Date of site visit: 6/1/2018

## 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	Name of Institution	Name of Institution Mother of Mercy Nursing Care Center

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

## General summary

Grace Court and Tranquility Place are located in the town of Albany, just off of Railroad Avenue, the town’s main street. The town of Albany is located in Stearns County, 20 miles northwest of Saint Cloud, and 90 miles northwest of Minneapolis, on Interstate 94. Albany had a population of 2,561 in 2010.

Grace Court is a 24-hour customized living setting with 12 units. Tranquility Place is adjoined to Grace Court and serves people with more advanced memory care needs. Tranquility Place has 12 units. The customized living setting is located on a continuum-of-care campus that includes The Mother of Mercy Nursing Care Center and Fairview Ridge, another customized living setting. This additional setting will be reviewed in a separate evidentiary package because the setting has a separate license. All aspects of the campus are owned and operated by Mother of Mercy Senior Living, a faith-based, nonprofit owner and operator.

## 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 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#](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><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p>Grace Court and Tranquility Place, the customized living setting, has separate administrative leaders. The setting oversees its own finances. However, the customized living setting leaders report to an overall administrator at Mother of Mercy Senior Living. The setting is also financially connected to Mother of Mercy Senior Living.</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>All staff that work in the customized living setting receive HCBS settings rule training and other relevant training and orientation for the setting. Staff from the Mother of Mercy Nursing Care Center do not work in the HCBS setting. If they were to work in the HCBS setting, they would receive HCBS training, according to organization policies.</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>The customized living setting is just off of Main Street, not far from the center of the town. People served in the setting, who are able, could easily walk to community amenities from the setting. The church connected to the campus is also just down the sidewalk. People who live in the setting also have access to the following modes of transportation: some people have their own vehicles, family and friends, volunteer</p>

	drivers through a community program, county transit and the setting's accessible van.
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</b></p> <p>The customized living setting is separate from the other facilities on the campus. It has its own signage, entrance and parking lot. Its entrance is on a different side of the campus from the other facilities. The customized living building is also different in look and style from the other facilities, easily distinguishing itself as a separate housing facility.</p>

## Community engagement opportunities and experiences

Community engagement at this site is supported by staff focused on activity coordination. People served in the setting provide input through interest assessment forms, Tenant Council meetings and direct communication with staff.

The setting supports regular outings in the community. Here are some examples:

- Public parks and the town senior center
- Restaurants and movies
- Community events and festivals
- Public school events and sports competitions
- Scenic drives, to take in the seasons and holiday decorations

People who live in the setting also frequently get out on their own, with their own cars, with family and friends and with the support of county transit and volunteer drivers. These trips include:

- Coffee dates and restaurant meals
- Family events
- Sports events
- Faith community activities
- General errands

The setting also supports a busy daily activity calendar that people may participate in as they like. On-site, programmed activities include: chapel services, Fit for Life wellness program, games of various kinds and a special focus on music, with many visitors from the wider community.

People who live in the setting are also actively planning and participating in self-led activities, including card playing, bible studies and social get-togethers with other people who live in the building or guests from the wider community.

## 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>	
HCBS Rule requirement	Compliance status (Please select)
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The setting provided a lease agreement as documentation through the provider-attestation process. The person who was interviewed during the site visit also confirmed that residents have a signed lease.</p>	Compliant
<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>Locks were observed on all unit doors in Grace Court. People who live in Tranquility Place are provided keys for their unit doors on a case-by-case basis, based on a person’s support needs and personalized care plan. As noted above, this space focuses on services to people with cognitive impairments.</p>	Compliant
<p><b>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her choice.</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>People who live 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><b>The setting provides people with the freedom to furnish and decorate their bedrooms and living units 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>The lease allows people in the setting to decorate and personalize their living units. Living units were observed during the site visit and were home-like and personal, and decorated as the person desired.</p>	<p>Compliant</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>The person who was interviewed during the site visit confirmed that people in the setting may control their daily schedules, in terms of waking, going to bed and coming and going and eating as they would like. A café is available on the campus for alternatives to the main dining hall offerings. People who live in the setting are able to have, store and prepare food in their living units.</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>The person who was interviewed during the site visit confirmed that people who live in the setting may have visitors at any time. Visitors were observed coming into the setting during the site visit. All people who live in the setting have a unit key and an exterior door key, and may come and go as desired.</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>The person who was interviewed during the site visit no longer works and does not desire to work, but confirmed that her services could be rearranged to support any commitments she may have. She also</p>	<p>Compliant</p>

<p>confirmed that other residents have used transportation services to get to their regular commitments. She receives transportation support from her family and friends.</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>The common spaces and living units were observed to be accessible, with many universal design and accessibility features. The administrator also confirmed that they work with people living in the setting if they need a modification to their living units.</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>The customized living setting is very close to the center of town. One special feature of the setting is that there is a child care provider on-site. The setting creates opportunities for children in the child care center to connect with the older residents in the setting. They even have an intergenerational programming room for shared meals, arts and crafts, and other activities. The setting has a very good daily activity schedule with both on-site and off-site activities. They also encourage people served in the setting to get out into the wider community, with their own cars, with the assistance of family and friends or with the support of community transportation options.</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>Not applicable. This setting does not assist people with their personal finances.</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 checked="" type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>

<p>Staff who work in the setting are trained to respect the privacy of people who live in the setting. People’s living units are respected as private spaces. Staff only gain access to the living units at the permission of the person living in the setting, or in an emergency.</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>During the site visit, several respectful exchanges were observed between staff and people who live in the setting. The person who was interviewed during the visit described the staff as excellent and always respectful.</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>Staff are trained on the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act.</p>	<p>Compliant</p>
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>As stated above, people in the setting lead their own lives and plan their own daily schedules, coming and going as desired and arranging their days as they would like. Customized living services accommodate the schedules of the people served in this setting.</p>	<p>Compliant</p>

# Pictures of the HCBS setting



Café, offering food options beyond the dining hall



Garden beds cared for by people served in setting



Intergenerational activities room



Bulletin board with on-site and public events

## 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.**