

HCBS Final Rule Evidentiary Package

Nature's Point



Setting information

| | |
|---|-------------------------------|
| Setting name: Nature's Point Assisted Living | ID # 21937 |
| Street address: 171 University Ave SE St. Cloud, MN 56304 | Phone: 320-258-7027 |
| Setting website, if applicable: Nature's Point Assisted Living (https://naturespointal.com) | Date of site visit: 7/26/2017 |

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 | Choose an item. Talahi Senior Campus |

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

General summary

Nature's Point is a customized living provider that is located on the Talahi Senior Campus. It has two different areas where staff provide services: the West building and the East building. The campus is located in St. Cloud, MN. Saint Cloud is an urban area located in central Minnesota and has a population of 67,984 according to the 2017 census. Talahi is a continuum of care campus that offers customized living, 24-hour customized living, adult day services and a skilled nursing facility.

Nature's Point has 34 units. At the time of the visit, Nature's Point was providing services to 28 people, 22 of whom were using an Elderly Waiver.

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>Talahi Senior Campus is managed by EdenBrook management. The campus itself has one administrator for the campus. The customized living and skilled nursing facilities have different directors for day-to-day operations. The activity coordinator is shared, but different activities are planned for each different type of setting on the campus.</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 HCB settings regulations.)</p> <p>There are no staff that work at both the customized living setting and the nursing facility.</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>The setting has two vans it uses for activities. In addition, there is a Dial-a-Ride service people can access, as well as the city bus and Care Cab. Some people also use taxi cabs or services like Uber. Family members also provide transportation.</p>  |

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

The customized living setting is on the ground floor of the building and the skilled nursing services are provided on the second floor. The setting has its own separate entrances on the north and west side of the building, as indicated by the red arrows. To get to the nursing facility, a person has to use one of several stairwells or the elevators.

- Met
- Unmet
- Not applicable



Community engagement opportunities and experiences

Nature's Point offers community experiences to make sure people are involved in the greater community. The people are asked when they move in about their interests in community activities and what they would like to experience. In addition, at resident council meetings, participants discuss past activities and what they would like to see in the future. The residents are given monthly calendars to inform them of the upcoming events. Staff also let them know daily what is going on. Some examples of community activities offered are:

- Local restaurants
- Dollar Store
- Target and Walmart
- Nearby gardens
- Movies at the theater
- Art in the Park
- Fishing.



People also access the community on their own or with family, using both public transit options and family members. The things they do during these times include:

- Family gatherings
- Coffee with friends or family
- Church
- Shopping
- Going out to eat.

The setting also offers many on-site activities, including:

- Bingo
- Movies
- Adult coloring
- Board games.

School-age children also come into the setting. One person who lives at the setting said this is her favorite activity, and she loves seeing the children.

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>The setting provided an HCBS-compliant lease agreement as documentation through the provider attestation process, and this was confirmed with a person interviewed during the site visit.</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>Locks were observed on the doors of all units at Nature’s Point. In addition, one person interviewed said she knows she can use her lock, and the staff always knock and wait for permission before they 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>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> | <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>Compliant</p> |

| | |
|--|-----------|
| <input checked="" type="checkbox"/> Observation made during on-site visit Interviews took place in people’s apartments, and they were decorated with personal items, photos and mementos. When asked, people interviewed said they were able to decorate using their own things. One person said she was really happy to be able to put shelves up. | |
| <p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit When asked if they could decide what they wanted to do and when, people interviewed said yes, they do make decisions about these things. In addition to the dining rooms, units have a refrigerator and stove to cook with if a person chooses. In addition, the community kitchen has snacks people can have if they are hungry. When interviewed, a person said she can have her plate saved if she won’t be home for meal time. | Compliant |
| <p>The setting allows people to have visitors at any time.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit When asked, each person said he/she was able to have visitors any time. If people don’t want to have visitors in their rooms, the setting has many comfortable lounge areas to sit and visit in, as pictured. | Compliant |
| <p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation | Compliant |



| | |
|--|-----------|
| <input checked="" type="checkbox"/> Observation made during on-site visit <p>According to the administrator, two of the residents work at a day training and habilitation setting, not competitive employment. The setting is flexible with timing for cares and medications to work with their work schedules. The setting also prepares bagged lunches as needed.</p> | |
| <p>The setting is physically accessible to the individual.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The common spaces and living units were observed to be accessible. Living units and bathrooms were observed to have accessibility features such as the roll-in shower, grab bars and hand-held shower head, as shown in the photo.</p>  | Compliant |
| <p>The setting provides people opportunities to access and engage in community life.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>See the community engagement section. The customized living setting offers some on-site services (e.g., dental, podiatry, OT, PT and other services). However, people are given a choice to use their own providers in the community. When interviewed, one person said she uses mainly doctors in the community, while the other person loves that the services are available on site. One person verified that residents were told they could use different providers if they chose.</p> | Compliant |
| <p>The setting supports the person's control of personal resources.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit <p>The setting has HCBS-compliant policies in regards to money management. People interviewed did not have their money managed by the setting.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>When asked if they feel their privacy is respected, both people interviewed said they felt they had privacy when they needed it. One person said she feels staff are aware of people’s need for 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>Staff are trained on the Minnesota Home Care Bill of Rights, and people are also informed through this document of their right to be treated with dignity and respect. Staff were observed talking to people in a respectful way, as well as closing a door while talking about personal issues with a person. A person interviewed said staff are always friendly and nice.</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. People are also given a copy of this document 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>When asked if they felt they had choices about their life, one person replied, “Oh my yes!” The other said sometimes she doesn’t feel much like socializing and on those days the staff just “let her be.” She also said she can “pretty much do what I like”</p> | <p>Compliant</p> |

Pictures of the HCBS setting



The courtyard and the puzzle/game room



The patio and the dining room

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.