

HCBS Final Rule Evidentiary Package

Pearl Garden



Setting information

Setting name: St. Anthony Nursing Home Limited Partnership – Pearl Garden	ID # 20451
Street address: 3700 Foss Road NE St. Anthony, MN 55421	Phone: 612-788-7321
Setting website, if applicable: Pearl Garden (http://chandlerplacesenior.com)	Date of site visit: 9/13/2018 and 12/7/2018

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	HCBS Setting Type	Name of Institution

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

General summary

St. Anthony Nursing Home Limited Partnership – Pearl Garden is a customized living setting specializing in memory care located on a continuum of care campus in St. Anthony, Minnesota. St. Anthony is a suburb adjacent to Minneapolis. As of 2017 the United States Census Bureau estimated St. Anthony has a population of 9,077. Pearl Garden is located within a residential area in close proximity to churches, restaurants, healthcare, parks, public transportation and shopping.

As informed by the website, the continuum of care campus at Pearl Garden offers independent living, customized living, customized living with 24-hour staffing and short-term care. At the time of the on-site visit, there were five people living at Pearl Garden on the Elderly Waiver program using customized living services. In total, Pearl Garden has 23 units devoted to memory care.

Also informed by the website the customized living is managed and operated by [The Goodman Group](http://thegoodmangroup.com) (<http://thegoodmangroup.com>).

Note: An additional assisted living setting is located on the campus that provides customized living, called Chandler Place, with a distinct ID number. Each setting has a separate evidentiary package. Also note, an original setting visit was completed on 9/13/18, and a second visit was conducted on 12/7/18 for follow-up questions to the administrator and to interview a person living at the customized living.

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>Administratively, there is separation between the skilled nursing facility and the customized living setting. The settings have separate policies, directors, nursing, activities and resident assistant staff.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet	<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</p>

<input type="checkbox"/> Not applicable	<p>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>During the on-site interview, both the administrator and staff indicated direct care staff from the care center do not work or offer back up in the customized living that serves HCBS people.</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 have their transportation needs met through a mix of different organizations and people. Most residents do not rely on public transportation. The customized living provides transportation to community activities with a bus owned by Pearl Garden. People are informed about transportation via the monthly activity calendar and a weekly newsletter. Some people receive transportation from other transportation providers, like Metro Mobility or volunteers.</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 that institutional services are provided.</p> <p>The outside entrance at 3700 Foss Road NE for the customized living has no sign representing the customized living memory care. Inside the building, there is a sign (see picture below) directing people to the customized living memory care unit. The customized living setting is on a separate floor from nursing facility. As indicated by the administrator, 3700 Foss Road NE is also the long-term care facility address.</p>



Community engagement opportunities and experiences

At the customized living setting, people are given opportunities to engage in the greater community one time a week. People are informed of off-site activities via monthly calendar (see picture below). People also learn about activities via announcements from staff and a daily calendar (see picture below).

Some of the community activities include:

- Outings to local restaurants
- Drives in the community
- Weekly shopping at local grocery or departments stores.

People are given the choice to participate in desirable activities and with any group of residents. People choose activities via a sign-up book. People may provide input to the activities department for both on-site and off-site activities.

People living in the setting also leave the setting on their own with family and friends, and with the support of community transportation options. These trips include:

- Coffee dates and restaurant meals
- Family events
- Faith community activities.

As reported by the calendar, on-site, activities include:

- Worship services
- Movies
- Bingo
- Video games
- Baking club.

Monthly calendar

CHANDLER PLACE
Senior Living

DECEMBER 2018

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY							
<p>Locations Chandler Place Activity Room, CP-AR Chandler Place Beauty Shop, CP-BS Chandler Place Community Room, CP-CR Chandler Place Dining Room, CP-DR</p>													
<p>FIRST NIGHT OF HANUKKAH</p> <p>9:45 Hymn Sing 10:00 Devotions 1:30 Afternoon Theatre 3:00 Cookie Social 4:00 TV Time</p>		<p>9:30 Creative Arts Coloring 10:00 FIT to Pedal® 1.1's 2:00 Pleats of Baking Club 2:15 P.A.L.S. Program 3:00 FIT to Stretch® 3:30 Baking Club Social 4:00 Piano Favorites</p>		<p>10:00 Morning Movie 10:00 Outing: Scenic Drive 2:00 FIT to Stretch® 2:30 Chaplain-Led Devotion Independent Creative Coloring 4:00 Comedy Club (TV)</p>		<p>10:00 Resident Led Social 10:30 Episcopal Devotion 11:30 Sentimental Singing Voice 1:00 FIT to Stretch® 1:15 Holy Time 2:00 Resurrection of the Heart® Music 2:45 Nostalgia Television</p>		<p>10:00 Bingo 10:30 Coffee Clutch 11:00 FIT to Pedal®, 1.1's 2:00 FIT to Balance® 2:30 Lemonade Social 3:00 Wii Games 3:45 Nostalgia Television</p>		<p>10:00 Resident Led Devotion 10:30 Fellowship 10:45 Musical Safari w/ Jennifer 11:00 FIT to Stretch® 2:30 Resurrection & Peace (TV) 3:00 Happy Hour 3:30 Activity Calendar Committee</p>		<p>10:00 Travelogue TV 11:00 Guitar w/ Gary 10:30 Mac Phil Recital, CP-Lobby 2:00 Bingo 3:15 Saturday Cinema 6:00 "The Lawrence Walk Show"</p>	
<p>9:45 Hymn Sing 10:00 Devotions 1:30 Afternoon Theatre 3:00 Cookie Social 4:00 TV Time</p>		<p>9:30 Creative Arts Coloring 10:00 "The Price is Right" TV 10:00 Pleats of Baking Club 2:00 P.A.L.S. Program 3:00 FIT to Stretch® 3:30 Baking Club Social 4:00 Piano Favorites</p>		<p>10:00 Morning Movie 10:00 Outing: Scenic Drive 2:00 FIT to Stretch® 2:30 Chaplain-Led Devotion Independent Creative Coloring 4:00 Comedy Club (TV)</p>		<p>10:00 Resident Led Social 10:30 Episcopal Devotion 11:30 Sentimental Singing Voice 1:00 FIT to Stretch® 1:15 Holy Time 2:00 Resurrection of the Heart® Music 2:45 Nostalgia Television</p>		<p>10:00 Bingo 10:30 Coffee Clutch 11:00 FIT to Pedal®, 1.1's 2:00 FIT to Balance® 2:30 Lemonade Social 3:00 Wii Games 3:45 Nostalgia Television</p>		<p>10:00 Resident Led Devotion 10:30 Fellowship 11:00 FIT to Stretch®, 1.1's 2:00 FIT to Stretch® 2:30 Resurrection & Peace (TV) 3:00 Happy Hour 3:30 Activity Calendar Committee</p>		<p>10:00 Travelogue TV 11:00 FIT to Balance® 2:00 Bingo 3:15 Saturday Cinema 6:00 "The Lawrence Walk Show"</p>	
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<p>9:45 Hymn Sing 10:00 Devotions 1:30 Afternoon Theatre 3:00 Cookie Social 4:00 TV Time</p>		<p>10:30 Holiday Service, CP-DR 10:00 Morning Movie 10:00 "The Price is Right" TV 10:00 Pleats of Baking Club 2:00 P.A.L.S. Program 3:00 FIT to Stretch® 3:30 Baking Club Social 4:00 Piano Favorites</p>		<p>CHRISTMAS 10:00 Morning Movie 11:00 Winter Piano Music 12:00 Holiday Theme Meal, CP-DR 2:00 Holiday Trivia 2:30 Winter Social 3:00 Afternoon Theatre 3:00 Independent Creative Coloring 4:00 Comedy Club (TV)</p>		<p>KWANZAA WEEK 10:00 Resident Led Social 10:30 Episcopal Devotion 11:30 Sentimental Singing Voice 1:00 FIT to Stretch® 1:15 Holy Time 2:00 Resurrection of the Heart® Music 2:45 Nostalgia Television</p>		<p>10:00 Bingo 10:30 Coffee Clutch 11:00 FIT to Pedal®, 1.1's 2:00 FIT to Balance® 2:30 Lemonade Social 3:00 Guitar w/ Gary 3:45 Nostalgia Television</p>		<p>10:00 Resident Led Devotion 10:30 Fellowship 11:00 FIT to Stretch®, 1.1's 2:00 FIT to Stretch® 2:30 Resurrection & Peace (TV) 3:00 Happy Hour 3:30 Activity Calendar Committee</p>		<p>10:00 Travelogue TV 11:00 FIT to Balance® 2:00 Bingo 3:15 Saturday Cinema 6:00 "The Lawrence Walk Show"</p>	
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Aromatherapy Diffuser/Oils are available on request.
 Call Lisa at 612.913.5391 for more details.
 Calendar events subject to change.

Daily calendar

ACTIVITIES ON THIS BOARD ARE SUBJECT TO CHANGE

Friday December 7th 2018

8am~Breakfast

10:00~Resident-Led Devotion

— Fellowship

10:45~Musical Safari w/ Jennifer Aklung

12:00~Lunch

2:00~FIT to Stretch

2:30~Afternoon Social

— Nativity Lutheran Church OVP

5:00~Supper

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 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. During the on-site interview, the person, who had cognitive support needs, did not know if she had a signed lease.</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>It was observed that each customized living resident has his/her own lockable unit.</p>	<p>Compliant</p>
<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> <p>During the on-site visit, one person lived in a single-occupancy room. The customized living residents do not share rooms unless they share a room with a spouse or partner.</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>

<p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>At the time of the on-site visit, it was observed people decorated and furnished their units to their preferences. The provider sent information that staff are trained that people may decorate and furnish their units as they choose.</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>As illustrated in the picture below, residents each have their own kitchenettes in their units. Food is available by storing food in their rooms, eating snacks kept in the common kitchen area, eating meals at the family-style dinner table or eating meals in their room, if requested.</p> <p>For congregate eating, people may eat in a small cafeteria. Upon a review of the Pearl Garden newsletter, each month people are given the opportunity to give input on food themes at resident council meetings. The “resident choice meal” option is a specific meal(s) prepared for the residents. In August 2018, two resident choice meals were prepared. One was a summer-themed meal, and the other was Minnesota-State-Fair-themed meal.</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>	Compliant

<p>Observed during the on-site visit was a sign-in sheet for visitors to the assisted living. The person interviewed confirmed she may have guests at any time.</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>At orientation and annual training, staff are trained to support a person’s right to employment. The person interviewed reported she has no desire to work.</p>	<p>Compliant</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>Observed during the on-site visit was a physically accessible building. The person interviewed acknowledged the accessibility of the setting. The common spaces and living units were observed to be accessible. Living units and bathrooms (see picture below) were observed to have many accessibility features like wide hallways and grab bars.</p> 	<p>Compliant</p>



The setting provides people opportunities to access and engage in community life.

Compliant documentation submitted with attestation

Observation made during on-site visit

See the community engagement section

The setting supports trips into the wider community for practical purposes (e.g., errands and medical appointments), but also for socialization and community engagement. The staff make people living in the setting aware of transportation providers in the area in their move-in packets, with refrigerator magnets, and as needs arise.

The customized living setting informs people they may choose from where and whom they receive medical and specialty care. Most residents at the setting receive specialty services from Health Partners. The customized living setting does not offer physical or occupational therapy on site.

The right to choose a provider is also echoed in the bill of rights given to people receiving services: “The right to choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, or other health programs.”

Compliant

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

Compliant documentation submitted with attestation

Compliant

<input checked="" type="checkbox"/> Observation made during on-site visit The setting does not offer money management to people in the customized living	
<p>The setting ensures people’s right to privacy.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The right to privacy is stated in the Minnesota Home Care Bill of Rights, which is given to each person living at the customized living. The person interviewed indicated her privacy is respected.	Compliant
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Staff orientation and annual training reinforce the right to a person’s dignity and respect. The right to be “treated with courtesy and respect and to have the client’s property treated with respect” is stated in the Minnesota Home Care Bill of Rights, which is given to each person living at the customized living. During the site visit, staff were observed treating people in the customized living with dignity and respect. Before the interview, the administrator politely asked a person if she would like to take time out of her activity to talk about her experience at Pearl Garden.	Compliant
<p>The setting ensures people’s freedom from coercion and restraint.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit Staff are trained and people are made aware of their right to be free from coercion and restraint through the Minnesota Home Care Bill of Rights and the Minnesota Vulnerable Adults Act.	Compliant
<p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant

The setting ensures people are in control of their daily schedules by allowing people to awake and sleep at the times they choose. People are encouraged to participate in individual and group activities, and they can choose to refuse to attend, if desired. When asked about individual choices, the person confirmed being able to make personal choices.

Pictures of the HCBS setting

Lockable unit



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.