

HCBS Final Rule Evidentiary Package

Scenic Shores



Setting information

Setting name: Ecumen-Scenic Shores	ID # 30733
Street address: 409 13 th Ave., Two Harbors, MN 55616	Phone: 218-834-8374
Setting website, if applicable: Ecumen-Scenic Shores (http://www.ecumenscenicshores.org/assisted-living-two-harbors-mn)	Date of site visit: 9/26/2018

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 The Scenic Shores Care Center

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

General summary

Scenic Shores is a 41-apartment, housing-with-services establishment registered with the Minnesota Department of Health. Scenic Shores is owned by Ecumen. Ecumen Scenic Shores holds a comprehensive home care provider license from the Minnesota Department of Health and is authorized to provide home care services.

Scenic Shores provides 24-hour customized living services and is one building on the Ecumen Scenic Shores campus. The campus also has a comprehensive skilled nursing and rehabilitation center, Scenic Shores Care Center.

The Ecumen Scenic Shores continuum-of-care campus is located in the shoreline community of Two Harbors, MN. Two Harbors is located in northeastern Minnesota along the shore of Lake Superior. The 2016 Census population was 3,562.

At the time Scenic Shores submitted its attestation, it reported serving 38 people in the customized living setting. Eleven of the people were receiving customized living funded by the 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 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:

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>There is clear distinction between the operations of the Scenic Shores customized living setting and the Scenic Shores Care Center. The Scenic Shores customized living setting has an RN, clinical director-assisted living and housing manager positions that provide the administrative oversight of the customized living program and the housing-with-services setting. The Scenic Shores customized living setting also has a life enrichment specialist who provides and coordinates the wellness activities at the setting.</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>Staff from the Scenic Shores Care Center (skilled nursing facility) are not assigned to work in the Scenic Shores customized living setting for backup or otherwise. The Scenic Shores customized living staff are also not scheduled to work in the nursing facility. The two settings are staffed independently.</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>As a service provided by Arrowhead Economic Opportunity Agency (AEOA), people living at Scenic Shores have access to Arrowhead Transit, a public bus system set up to meet personal transportation needs. They</p>

have a dial-a-ride service that brings the bus right to the person’s front door and assists any passenger who needs any type of help, whether it is an arm to hold onto or using the lift and the tie downs for someone who uses a wheelchair.

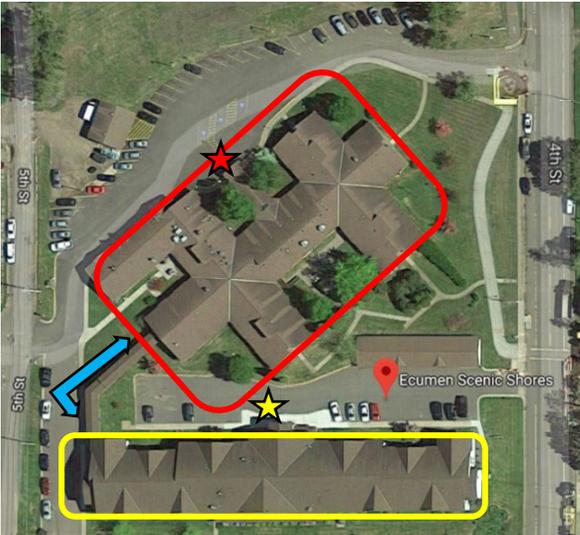
AEOA also employs staff and coordinates volunteer drivers to provide transportation.

Families also are a resource used by the people who live at Scenic Shores.

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

The Scenic Shores customized living setting is circled in yellow in the aerial photo below. It is connected by an enclosed tunnel/hallway to the Scenic Shores Care Center, which is circled in red below. The two distinct buildings are clearly separated by space and function. The separate entrances are indicated by the stars in the photo. The tunnel/hallway is indicated by a blue arrow. Scenic Shores also has separate signage shown in photo below.

- Met
- Unmet
- Not applicable



Community engagement opportunities and experiences

Scenic shores has three life enrichment specialists on staff to coordinate engaging activities and events on- and off-site. Activity calendars are developed with input from the residents.

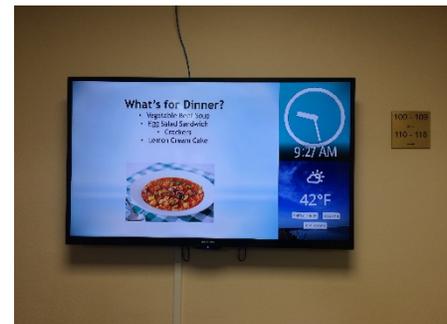


Monthly calendars are posted on bulletin boards. A daily listing of events is shown on TV monitors. People also receive a copy of the calendar to have in their rooms.

Residents who live at Scenic Shores are frequently coming and going out into the community in their own vehicles, by bus or with family. One resident reported that residents receive free passes to ride the bus as often as desired.

Community event flyers and newspaper notices are posted on bulletin boards to notify people of events happening in the community. Staff also provide assistance with scheduling transportation through Arrowhead Transit for people to attend community events or shopping on their own, as desired.

Ecumen Scenic Shore’s residents recently hosted a “The Tonight Show Starring Jimmy Fallon” viewing party. One of the resident’s grandsons was the musical guest on the show. The resident was very proud to show the other residents his grandson playing music on national TV.



In addition to daily and weekly group activities — such as bingo, paddle ball, worship services, drum circles, therapy dog visits, card games and puzzles, watercolor painting, crafting, manicures and hand massages, live entertainment, afternoon coffee socials, karaoke and evening cocktails — Scenic Shores hosts much-anticipated seasonal events and festive meals.

Scenic Shores uses the holistic Live 2 B Healthy program, “which enables each resident to live with the highest level of individual choice, dignity and independence possible.”

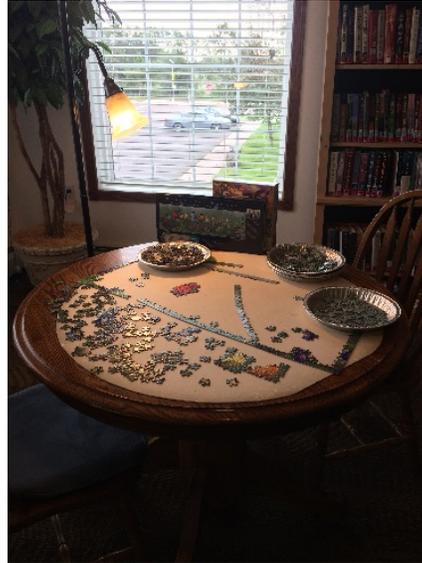
It was evident in observation and interviews with people, staff and the administrator that person-centered practices are at the forefront of service delivery by:

- Respecting and honoring the things each person thinks are important and encouraging informed choice and creativity.
- Supporting activities are flexible and work around the person’s preferred schedule (people are not following a “set schedule”)
- Encouraging people to share ideas and make choices about setting activities based on their own personal preferences and interests

- Ensuring people have opportunities and supports they need to be fully included in their community, individually and in groups, as desired
- Assisting people with developing meaningful relationships with other members of the community



Book shelf for residents to read



Jigsaw puzzle in progress in common area

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>Scenic Shores submitted an “HCBS rule compliant Housing With Services Contract and Lease Agreement” that is signed by the owner and the person.</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>Scenic Shores’ “Amendment to Housing with Services Contract and Lease Agreement” includes: “Keys. The Community will ensure that each Apartment Unit has a lockable door. The Community will furnish all keys for the Apartment Unit rented at the time of occupancy. This will include one set per authorized Apartment Unit occupant.”</p> <p>We observed locks on all apartment doors as shown in the picture. Residents interviewed also confirmed that they have keys for the locks on their doors.</p>	<p>Compliant</p>
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Scenic Shores’ “Amendment to Housing with Services Contract and Lease Agreement” includes: “If Resident is required to share an apartment, Resident will have input into selection of a roommate. Additionally, after a placement is made, Resident may request a change of roommates to the Community in writing. The Community will use reasonable efforts to accommodate such requests.”</p> <p>According to the setting’s attestation and interview with the housing manager, each of the apartments is private and only shared upon request of the person renting the apartment.</p> <p>Residents interviewed confirmed that they are renting private apartments.</p>	<p>Compliant</p>
<p>The setting provides people with the freedom to furnish and decorate their bedrooms and living units within the lease or residency agreement.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	<p>Compliant</p>



Apartment door with lock

<p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Scenic Shores' "Amendment to Housing with Services Contract and Lease Agreement" includes: "Residents are welcomed and encouraged to furnish and decorate their Apartment Units."</p> <p>People were interviewed in their apartments. We observed each apartment to be furnished with the person's belongings and decorated as he or she desired.</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>Scenic Shores staff receive orientation and annual training curriculum that includes the following in staff instruction: "<u>3. Daily Schedule</u></p> <p>What do you need to do?</p> <ul style="list-style-type: none"> • You must support people's freedom to control their own schedule and activities • You must allow access to food (meals and snacks), at any time, and provide a place for and/or allow them to store snacks in their unit • You must schedule support activities in a flexible manner that works around the person's personal schedules (e.g. alternatives to planned entrée, save meal and reheat); there is no one "set schedule" (e.g. mealtimes or assigned seats) for all people living in the setting • You must ensure people have choices of when, where, and with whom they would like to eat; if a person misses a meal due to an activity, they do not have to wait for the next meal to eat." <p>We observed people participating in group activities and individual activities of their choice on different schedules.</p>	<p>Compliant</p>

We also observed several options for residents to access food at any time. As shown in the photos below, coffee and juice machines are placed in a common space and are accessible at any time, as are snacks. Also shown below are breakfast items available, if desired.



Coffee and juice machines



Snack bar with breakfast items



Kitchen area of apartment

Each apartment also has a full kitchen to prepare and store food as the resident desires.

The setting allows people to have visitors at any time.

- Compliant documentation submitted with attestation
- Observation made during on-site visit

Scenic Shores' "Amendment to Housing with Services Contract and Lease Agreement" includes: "The Community does not have restricted visiting times. The Community does, however, ask that Residents identify when they have overnight guests."

Residents interviewed reported that they can have guests any time they desire. One resident stated, "If I want a visit, I will have them."

Pictured is a seating area in a common space where people may choose to visit and socialize with others by the fireplace.



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>Scenic Shores’ “Amendment to Housing with Services Contract and Lease Agreement” includes: “Each Resident’s service plan will be developed based on individual needs, preferences and requests and will offer flexibility that supports lifestyle choice related to health, wellness, social, and spiritual and leisure activities.”</p> <p>Several residents currently choose to volunteer at various places/events:</p> <ul style="list-style-type: none"> • At the nursing facility to provide socialization to the nursing facility residents • At the local food shelf • Helping with bingo; one person especially likes to be the money collector • Helping with various activities on the campus • Knitting booties to give to the local mission • Transporting other residents to and from different sites in the setting, such as pushing the person in his or her wheelchair • Playing music in the common area at group gathering for all to enjoy. 	<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>Compliant</p>

<p>Scenic Shores’ “The Shores Resident Handbook” includes, “In accordance with the Fair Housing Act, The Shores will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. Please contact the Housing Director if you would like a copy of the reasonable accommodation / modification policy or if you would like to make a request for a reasonable accommodation or modification.”</p>  <p>Picture is of grab bars and hand-held shower head observed in an apartment walk-in shower for accessibility and safety.</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>Scenic Shores staff receive orientation and annual training curriculum that includes the following in staff instruction: <u>“6. Community Life</u></p> <p>What do you need to do?</p> <ul style="list-style-type: none"> • You must ask people about their interests and which activities they want to participate in • You must invite people to participate in community activities and then support their participation • You must provide information about community activities, such as binder, calendar, or bulletin board with current and upcoming events in the community • You must provide the same community activity options to all; don’t separate options based on a person’s status as a Medicaid HCBS recipient • You must provide information on transportation for community activities 	<p>Compliant</p>

<ul style="list-style-type: none"> • You must provide services, resources, and supports to help explore or maintain meaningful activities • You must support the person’s community relationships through access to religious services, shopping, appointments, etc.” <p>People interviewed on-site reported they are given a copy of the activity calendar each month and may also look on the bulletin board or the TV screen.</p> <p>People interviewed have family members who also bring them to community and family events as much as desired. They indicated they are aware of the public transportation options but both people stated their families live close by and they take them where they want to go.</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 requirement is not applicable. Scenic Shores reported on its attestation that “This setting does not provide money management duties.”</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>Scenic Shores’ “Home Care Bill of Rights” document given to notify people of their rights, includes: “The right to have personal, financial, and medical information kept private, and to be advised of the provider’s policies and procedures regarding disclosure of such information.”</p> <p>People interviewed reported that they felt their privacy was respected. We observed that personal information about residents was not posted in the setting.</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

<p>Scenic Shores’ “Home Care Bill of Rights” document given to notify people of their rights, includes: “The right to be treated with courtesy and respect, and to have the client's property treated with respect.”</p> <p>Staff were observed interacting and communicating with people in the setting respectfully and professionally.</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>Scenic Shores’ “Minnesota Home Care Bill of Rights” includes the following: “The right to be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act.”</p> <p>People were observed freely coming and going from the setting throughout the on-site visit.</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>Scenic Shores staff receive orientation and annual training curriculum that includes the following in staff instruction: “<u>3. Daily Schedule</u></p> <p>What do you need to do?</p> <ul style="list-style-type: none"> • You must support people’s freedom to control their own schedule and activities • You must allow people to choose their daily schedule, including but not limited to, waking, bathing, exercising, activities, etc. • You must ensure people’s access to such things as a radio and television, and can participate in their choice of leisure activities, if desired, and have the right to refuse to participate in activities the rest of the people living in the setting want to experience.” 	Compliant

One resident interviewed reported that her favorite activity is putting jigsaw puzzles together online on the computer in her room. Often she stays up very late to finish a difficult puzzle.



Beauty/Barber salon



Sewing/quilting area set up for a resident that enjoys quilting



Laundry room open for use by residents

Pictures of the HCBS setting



Dining room where people choose seating



Common sitting area



Indoor flower garden



Common sitting area



Central staircase



Common sitting area



Common sitting area



Scenic Shores



Outdoor seating near front entrance

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.