

HCBS Final Rule Evidentiary Package

Shepherd Oaks West Apartments



Setting information

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|--|-------------------------------|
| Setting name: Shepherd Oak West Apartments | ID # 25646 |
| Street address: 210 13 th Street North Sauk Rapids, MN 56379 | Phone: 320-202-8725 |
| Setting website, if applicable: Good Shepherd Campus (https://goodshepherdcampus.org/sauk-rapids-campus) | Date of site visit: 4/16/2019 |

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 | Good Shepherd Nursing Home |

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

General summary

Shepherd Oaks West Apartments is a customized living setting in Sauk Rapids, MN. It is located on The Good Shepherd Community campus which offers a continuum of care services in Sauk Rapids, MN. The campus consists of 4 customized living buildings, including the Good Shepherd Apartments. (Each of these customized living settings will have a separate evidentiary package). The campus also includes a nursing facility.

Sauk Rapids is located in Benton County in central Minnesota. As of the 2010 census, it had a population of 12,773 people. It is a smaller city, but is close to St. Cloud which is a large city. Good Shepherd Apartments is located near several schools and parks and just a few miles from businesses.

Shepherd Oaks West Apartments has 46 units, and at the time of the visit there were 2 people who were utilizing their 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 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#)

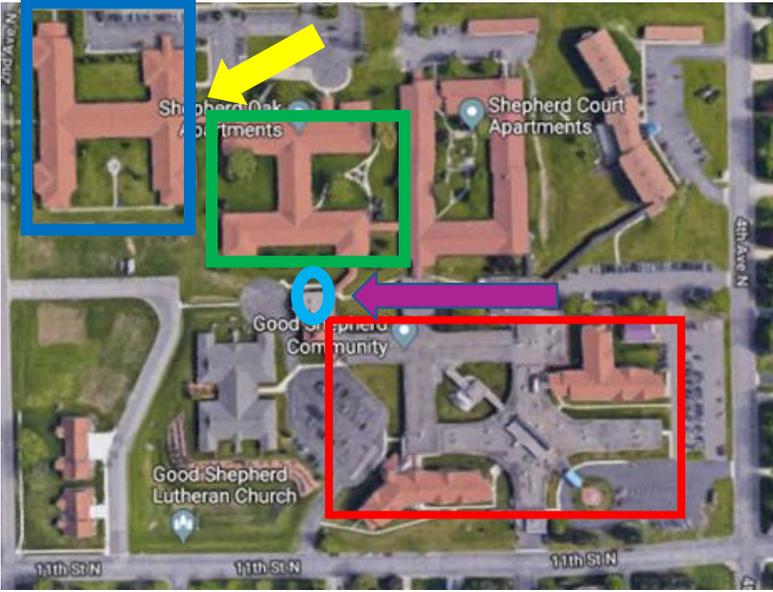
Prong 1 and Prong 2 settings

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>Shepherd Oaks West Apartment is run completely separately from the nursing facility. Each has their own management at the setting level. The customized living settings have a Vice President of Outreach which supervises the housing directors for each of the customized living buildings. Each setting has its own housing manager, and the staff who work in the customized livings are dedicated to those buildings and do not work in the in the nursing facility. There is one Administrator that is responsible for the campus as a whole.</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>The customized living setting does not share staff with the nursing facility. All staff who work in the customized living setting receive training that is compliant with the HCBS rule.</p> |

| Determination | Summary |
|--|--|
| <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 many different options when it comes to transportation. Some people still drive and have their own cars at the setting. Some use taxis and ride services such as Lyft and Uber. In addition, the city bus has two different bus stops that pick up and drop off on campus. The setting uses a tour bus that they charter for activities. Care Cab is available for appointments if the other options aren't available. Lastly there is a local Dial A Ride service available. People ask any staff to assist them if they require assistance setting up rides. When I arrived on the campus, I saw people coming and going, and saw a Dial A Ride bus loading a passenger.</p> <p>People are given the options for transportation when they move in, and are encouraged to ask a staff for assistance any time they need help setting up a ride.</p>  |

| Determination | Summary |
|--|---|
| <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>Shepherd Oaks West is connected to Shepherd Oak Apartments, which is then connected to the nursing facility. The customized living setting is outlined in blue. The yellow arrow indicates where the setting attaches to Shepherd Oaks, which is outlined in green. The purple arrow shows where Shepherd Oaks connects to the chapel, indicated by light blue oval, which is connected to the nursing facility, which is outlined in red.</p>  |

Community engagement opportunities and experiences

People living at this setting have many opportunities to stay involved and engaged in their communities. Staff gather input from people when they move in and also through satisfaction surveys that are offered annually. Additionally, activity staff meet with people face to face to ask about what each person would like to do for activities at least once every 6 months. There are quarterly tenant council meetings where people have an opportunity to provide input on activities. During the site visit, I was shown the responses from the past survey and they received many responses from people to help guide their planning.

People are notified of the activities offered through posted calendars and flyers, as well as a channel on their television which lists events each day. Staff who plan activities get input from each customized living setting, and have separate activities at each building. However, any person can join any of the activities offered.

People who live in the Customized Living setting frequently leave the setting independently, sometimes daily. They go to near- by businesses such as Quik Trip, Holiday, the bank, and Coburns. They can request a volunteer to go with them grocery shopping and the setting will try to accommodate them. They attend family gatherings and celebrations. They also walk their dogs, go to restaurants with family and friends and attend religious services.

There are sign-up sheets for the community based activities that the setting charters an accessible bus for. Some examples of the community activities offered by the setting are:

- Shopping at Coburns, Walmart, Target, Dollar Tree and the local mall
- Thanksgiving with the local Rotary
- Out to eat at local restaurants
- Visits to the local farmer’s market called Fresh Thyme
- Trips to craft stores like Crafts Direct, Hobby Lobby or Michaels
- Trips to the Minneapolis/St. Paul area to places like the Chanhassen Dinner Theatre, Old Log Theatre, Ames Theatre, and the State Fair
- Dinner/Cruises on Lake Minnetonka, St. Croix in Stillwater, Lake Itasca and Mississippi Yacht at Treasure Island
- Wisconsin train trip and Lanesboro Amish Tour



Bulletin board showing activities

Onsite activities are also offered. Some examples are dice and card games, crafts, religious services, coffee time and music offerings. The setting also has an exercise program called EnerG which offers a variety of health and fitness activities.

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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The setting submitted an HCBS compliant lease template. In addition, when interviewed, people indicated that they had a lease in place. When asked if she was involved in signing a lease one person said “Yes, it was my choice. They told me all of that stuff”.</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>Lockable doors were observed on each unit during the site visit. When asked if they could lock their door one person said “Oh yes. I can”.</p> | Compliant |
| <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>Not applicable. This site does not have shared bedrooms, except when the person chooses to share their room with a spouse, partner or friend of their choice.</p> | Compliant |

| <p style="text-align: center;">HCBS Rule requirement</p> | <p style="text-align: center;">Compliance status (Please select)</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><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>While interviewing people in their apartments, observations were made of personal items which expressed their interests. One person interviewed said she has her place “Just how she likes it”. When interviewed, people said they could decorate however they wanted.</p> <div data-bbox="646 541 1146 936" data-label="Image"> </div> <p style="text-align: center;"><i>Person's apartment uniquely decorated</i></p> | <p style="text-align: center;">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>People interviewed stated they feel they control their schedules. One person interviewed said “Yes, I control my schedule. They are flexible with me on that”.</p> <p>Each resident’s unit has a full kitchen to make and store food and snacks. The setting’s shared kitchen sells snacks until 7 pm each day and there is a store on campus that is open 24 hours. There are also vending machines available. One person said “There is plenty of food here. They will even box it up if you miss a meal!”</p> <div data-bbox="703 1171 1146 1587" data-label="Image"> </div> <p style="text-align: center;"><i>Kitchen in one of the units</i></p> | <p style="text-align: center;">Compliant</p> |

| HCBS Rule requirement | Compliance status (Please select) |
|---|--------------------------------------|
| <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>Staff confirmed that people can have visitors whenever they wanted. When interviewed, one person said she can have visitors anytime. She shared that she has “A lot of kids, so I have a lot of visitors”.</p> | 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 type="checkbox"/> Observation made during on-site visit</p> <p>No one that lives in this setting is currently employed in a paid position. If someone were to be employed, the setting staff stated that they would offer flexibility in areas such as med times and timing for personal cares. Staff would also help make or supply bag lunches and help set up transportation as necessary to accommodate a person’s work schedule.</p> | Compliant |
| <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>Accessible features were observed people’s apartments. Grab bars, flexible shower heads, and shower bench were observed in a person’s bathroom when an interview was done there.</p> <p>When asked if they feel their apartment and the building were easy to get around in, one person answered “Oh yes, no problems there”.</p> | Compliant |



Bathroom with grab bars in a unit

| HCBS Rule requirement | Compliance status (Please select) |
|---|--------------------------------------|
| <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 for leisure and recreation opportunities offered.</p> <p>The majority of people living in this setting get their medical services in the community, though some things like occupational therapy and physical therapy are offered onsite. Bluestone Physicians come to the site also. Staff assist people in setting up transportation to go to community appointments and activities. People are told of their options for providers at move in and each time they have a new need. They are given a list of providers covered by their insurance.</p> <p>One person interviewed said she appreciates that she could get some services here, but that she prefers to get her medical services in the community.</p> | Compliant |
| <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>This is not applicable. This setting does not offer money management services.</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>Observed staff knocking on doors before entering an apartment. People interviewed said they felt their privacy was being respected by staff. While talking to someone living at the setting, a staff person had to ask her a question and asked if it was ok to talk in front of this interviewer.</p> | Compliant |

| HCBS Rule requirement | Compliance status (Please select) |
|---|--------------------------------------|
| <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>Observed staff calling people by their names and stopping what they were doing when someone asked them a question. People interviewed said they felt they felt like they were respected. One person said “The staff really listen to me”.</p> | Compliant |
| <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, which address this right. People living at the setting are also given this information</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>When asked if she could control her own schedule, one person said “Definitely. Sometimes I like to go to activities, but I do like to stay home most of the time. Staff are ok with that”. She said she feels like she makes her own choices.</p> | Compliant |

Pictures of the HCBS setting



Room to do puzzles and play games



Decorations outside a person's apartment



Photo of chapel



Sitting area