

# HCBS Final Rule Evidentiary Package

## Tamarack Court Assisted Living



### Setting information

Setting Name: Tamarack Court Assisted Living	ID # 30668
Street Address: 1511 Delton Ave. NW, Bemidji, MN 56601	Phone: 218-444-4999
Setting website, if applicable: <a href="http://www.eldercarebemidji.com/tamarackcourthome.html">Tamarack Court Assisted Living</a> ( <a href="http://www.eldercarebemidji.com/tamarackcourthome.html">http://www.eldercarebemidji.com/tamarackcourthome.html</a> )	Date of site visit: 6/25/2018

### 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 checked="" 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 Havenwood Care Center, 1633 Delton Ave., Bemidji, MN, 56601

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

## General summary

Tamarack Court Assisted Living is located in the rural city of Bemidji, in northwest Minnesota. Bemidji's 2016 census population was 14,942. Tamarack Court Assisted Living is in a residential area, on the privately owned Eldercare of Bemidji's continuum-of-care campus that includes independent living, assisted living, rehabilitative care, skilled nursing care and memory care. Tamarack Court, a 32-unit apartment-style assisted living facility, is the most recent addition to the campus, which opened the summer of 2008.

At the time of the on-site visit, a total of 36 people lived and received services in the setting. Four of the 32 units were occupied by two people, by choice. Eight of the 36 people received waiver-funded services.

## 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 \(PDF\)](#).

(<http://www.eldercarebemidji.com/tamarackcourtlayout.html>)

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#](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>Tamarack Court Assisted Living shares upper-level administrative and financial operations with other Eldercare of Bemidji’s campus facilities. Tamarack Court Assisted Living has program-designated management staff, dietary and activity program staff, nursing and personal care staff. The setting’s nurses and home health aides are available on site 24 hours a day.</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>Nursing and home health aide staff from the attached Havenwood Care Center do not provide services at the Tamarack Court Assisted Living setting.</p> <p>Main meals are prepared in the campus commercial kitchen and delivered by the HCBS setting dietary staff.</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>People who receive services at Tamarack Court Assisted Living have access to a variety of transportation options, including the HCBS setting’s van and bus, the city bus “Paul Bunyan Transit,” taxi services, community volunteer drivers “Northwoods Caregivers,” family vehicles and Medivan. There is also an adult day program located within Bemidji that provides transportation to and from that setting, if requested.</p>
<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 pictures below show the separate signage and entrances to the HCBS setting and the privately owned nursing facility. The middle picture is located within the Tamarack Court entrance area.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p><i>Tamarack Court sign</i></p> </div> <div style="text-align: center;">  <p><i>Tamarack Court directional sign</i></p> </div> <div style="text-align: center;">  <p><i>Nursing facility entrance and sign</i></p> </div> </div>

Below is a link to a document showing the layout of the HCBS setting: <a href="http://www.eldercarebemidji.com/tamarackcourtlayout.html">http://www.eldercarebemidji.com/tamarackcourtlayout.html</a>
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## Community engagement opportunities and experiences

Tamarack Court Assisted Living offers a variety of group and individual activities that people have a choice to participate in on a daily basis. Activities calendars are developed monthly with the input from people who receive services in the setting. Monthly calendars are also developed by the other facilities on the campus and people living in any of the settings are free to attend any of the activities at any setting of their choice. [Tamarack Court activity calendar](http://www.eldercarebemidji.com/tamarackactivitycalendar.html) (<http://www.eldercarebemidji.com/tamarackactivitycalendar.html>)

Tamarack Court Assisted Living also gives a weekly calendar to each person as a reminder of activity choices occurring during the week.

Being located in “lakes country,” Tamarack Court Assisted Living accesses the campus bus to use the lakes and scenery for many community activities: Some group activities facilitated by the setting include:

- Fishing
- Boating
- Sightseeing
- Trips to the library

Administration reports that people who receive services at Tamarack Court Assisted Living attend many community activities either independently, driving themselves or with their families who bring them to a variety of community functions, such as church, visiting the family home or lake cabin, fishing, bowling, shopping, family reunions and weddings. One person interviewed reported she went to the family lake cabin and stayed for the week. Staff reported another resident went to Oregon to visit her sister for an extended stay.

The setting also provides several types of activities on site:

- Father’s Day breakfast
- Vegetable and flower gardening
- Card games
- Baking
- Bingo
- Church services
- Bible study
- Music programs including an Elvis impersonator

# HCBS characteristics

<p><b>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.</b></p>	
<p><b>HCBS Rule requirement</b></p>	<p><b>Compliance status (Please select)</b></p>
<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>Person who receives waiver-funded services interviewed at on-site visit confirmed that she signed a lease upon admission with the assistance of her daughter.</p>	<p>Compliant</p>
<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> <div style="display: flex; align-items: flex-start;">  <div style="margin-left: 10px;"> <p>This is a picture of the entrance door taken from the inside of an apartment unit at the HCBS setting. Assessor also observed a keyed lock on the outside of all apartment doors. Person receiving services interviewed confirmed that she had a key to her apartment.</p> </div> </div> <p><i>Apartment door with lock</i></p>	<p>Compliant</p>
<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>Setting lease includes, "Landlord permits double occupancy in designated apartments. If Tenant occupies an apartment in which two individuals can reside, Tenant is free to choose his or her roommate."</p>	<p>Compliant</p>

<p>Additional language is included in the lease regarding the process to request a roommate change.</p>	
<p><b>The setting provides people with the freedom to furnish and decorate their bedroom and living unit 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>Handbook provided to people who receive services in the setting is compliant with this requirement. Apartments observed at on-site visit were individually decorated with the tenants’ personal belongings, including furniture and decorations.</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>People receiving services at Tamarack Court enjoy three nutritious meals and snack daily. “We encourage our residents to join together in the dining room to make mealtime a relaxing, social event. Our meals are served at small tables, promoting our tenants to come together as a family.” Dining room (right)</p> <div data-bbox="732 993 1122 1289" data-label="Image"> </div> <div data-bbox="201 1367 594 1663" data-label="Image"> </div> <p>The kitchen area to the left is located in a common open area of the setting.</p> <div data-bbox="719 1535 1112 1831" data-label="Image"> </div> <p>Each individual apartment also has a refrigerator. (right)</p>	<p>Compliant</p>

<p>Two local stores also deliver groceries to people at the setting, upon request.</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>People from the community were observed coming and going from the setting to visit people or take them out into the community.</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 setting policies support people’s right to work, if desired. The setting reports several residents choose to volunteer their talents and time in various ways. For example, one person is a retired music teacher. She volunteers to play the piano daily at the nursing facility during the noon meal for the enjoyment of the people living there. She also plays piano for various activities and functions at Tamarack Court Assisted Living.</p> <p>Other people volunteer to share their skills in quilting, crochet, sewing, selling items they baked, such as lefse, at bake sales and gardening. One person worked as an auditor before retirement. She volunteers by being in charge of the setting’s guest sign in book.</p>	<p>Compliant</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>Compliant</p>

Individual apartments and common areas were observed to be accessible.



*Accessible shower*



*Accessible sink and mirror*

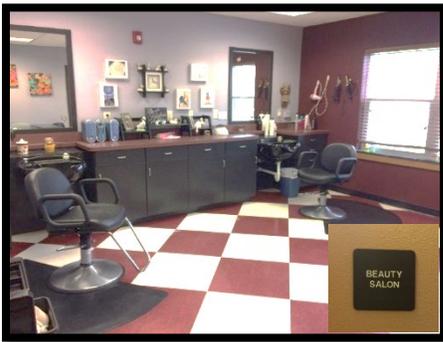


*Common sitting area*

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

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

Tamarack Court Assisted Living provides optional services on-site, such as a beauty salon, (below) and podiatry services.



*Beauty salon*

Setting policies support people's choice to receive these services on-site or in the community. People most often retain their medical providers they had chosen before moving into the facility.

Compliant

**The setting supports the person's control of personal resources.**

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

Person interviewed confirmed she maintains a personal bank account in the community and her family assists her with managing her finances.

Compliant

**The setting ensures people's right to privacy.**

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

Compliant

<p>Setting provided privacy for people by providing personal cares inside the apartments, providing locks on doors, private keyed mail boxes for each person (right), and record storage in locked office area.</p>	 <p><i>Keyed mailboxes for privacy</i></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>Observations made during on-site visit of staff talking with and treating people in a respectful manner. People appeared well-groomed and dressed uniquely. Person interviewed reported that staff were kind and she enjoyed living there.</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>Setting policies do not allow coercion or restraint.</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>Person interviewed at on-site visit reports she is able to decide for herself when she goes to sleep, wakes in the morning and what she would like to do each day. At time of interview, she was in her apartment, eating a breakfast sandwich that she made by herself.</p>	<p>Compliant</p>	

## Pictures of the HCBS setting



*Wide hallways*



*Common area seating room*



*Large open community room*



*Community room*



*Courtyard with walkways*



*Outdoor seating area*

## 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.**