

# HCBS Final Rule Evidentiary Package

## The Meadows of Mabel



### Setting information

Setting name: The Meadows of Mabel	ID # 30471
Street address: 610 East Newberg Avenue Mabel, MN 55954	Phone: 507-493-5995
Setting website, if applicable: N/A	Date of site visit: 6/6/2018

### 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 Green Lea Senior Living

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

## General summary

The Meadows of Mabel is a customized living setting located in Mabel, Minnesota. Mabel is located in the southeastern corner of Minnesota in Fillmore County. Mabel is a rural city, with a population of 753 in 2017.

The Meadows of Mabel has 17 apartment units. Currently, there are 15 people living in the setting. Four people are receiving services funded by the Elderly Waiver, and the remaining people are privately paying. The Meadows of Mabel is attached to Green Lea Manor, which is a nursing facility. Both of these setting are run by Green Lea Senior 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#](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><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p>The customized living setting and the nursing facility are both run by Green Lea Senior Living. However, the customized living setting has its own director of health services and its own direct care staff that are separate from the nursing facility. The director of health services prepares and schedules activities for the customized living setting, which is different from the activity schedule at the nursing facility. The two sites are run separately.</p>
<input checked="" type="checkbox"/> Met	<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-</b></p>

<input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>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>The staff at the skilled nursing facility do not work or provide services at the customized living setting, except in emergencies. This was stated by both the administrator and the staff person interviewed. They both stated that if a skilled nursing facility staff person wanted to be scheduled to work at the Meadows of Mabel, the person would receive HCBS training as part of the orientation/training.</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>There is no public transit in Mabel such as a city bus or taxi service. People who live there are transported to activities outside of the setting through various other options. The setting owns its own vehicle, volunteers from Mabel Lutheran church volunteer to drive people, Blue Ride is available for medical appointments, family provides transportation and there are transportation resources available through SEMCAC, a community action agency.</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>This customized living setting is physically separate from the nursing facility, but the two settings are attached via a hallway. The blue rectangle is the Meadows of Mabel, the yellow rectangle is the nursing facility and the orange star is the hallway where the two buildings connect.</p> 

## Community engagement opportunities and experiences

The Meadows of Mabel encourages and supports people to be as involved in the local community to the extent each person desires. The people living at the setting give input on the kinds of activities they would like to do at the monthly tenant meetings. They receive a monthly calendar, and there is a daily calendar posted to let them know what is available that day. Staff will also remind people verbally about activities in which they might want to participate. People can choose to look at the separate nursing facility activities calendar and join them if they wish. Some examples of community experiences offered are:

- Fishing
- Shopping trips
- Attending Steam Engine Days
- Watching the Tractor Parade
- Riding in the “people hauler,” which is a tractor pulling people behind it in a trailer
- Concerts in the park
- Holiday lights tour
- Library trips.

In addition, people experience the community on their own or with family. Some examples of this are:

- Family gatherings (e.g., wedding and baby showers, birthday and anniversary parties)
- Having dinner at restaurants
- Shopping
- Walks with friends.

The setting also offers on-site activities, such as gardening, exercise, arts and crafts, games, movie nights, wine and cheese night, beer and pizza and on-site music. One person who lives there likes to run a trivia night.

Sometimes community members come to the setting, like school children or families during the sponsored Easter egg hunt.

## 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>The setting submitted an HCBS-compliant lease with their attestation, and when interviewed, people said they did have a lease.</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> <p>Locks were observed on each apartment door at this setting. When asked, people interviewed stated they felt staff respected their privacy.</p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</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>This is not applicable since this setting has no shared units.</p>	<p>Compliant</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>Compliant</p>

<p>Each person's unit was observed to be decorated with personal items and, when interviewed, people said they could put whatever they wanted in their units.</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 interviewed said they felt they could plan their daily schedules and do things when they liked. The staff interviewed said, "This is their home, they should just be able to do what they want." Each person has a kitchen in his/her unit, and he/she also can access snacks in the setting's refrigerator. Staff will save a meal for people if they let them know ahead of time that they will miss the meal.</p> <div data-bbox="203 835 597 1129" data-label="Image"> </div> <div data-bbox="618 819 1036 1129" data-label="Image"> </div> <p>The common area kitchen and the kitchen in each unit</p>	<p>Compliant</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>Compliant</p>

<p>During the interview, people indicated they knew they could have visitors at any time. The setting has a separate dining area people can use if family or friends come to dinner, as shown in the photograph.</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>One person in this setting still is working one day a week at the local library. The setting accommodates her schedule by being flexible with her cares and other scheduled activities.</p>		Compliant
<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>One person interviewed said she feels like she can get around the setting “just fine,” and no barriers were observed in the setting. The bathroom was accessible with grab bars and room under the sink.</p>		Compliant
<p><b>The setting provides people opportunities to access and engage in community life.</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>		Compliant

<p>See the community engagement section. There are some services (e.g., occupational therapy and physical therapy) offered on site. However, people can use any provider they choose, and they are told this when they move in. Also, when new referrals are given, people are told of their choices for providers. Staff assist people in setting up transportation or providing it themselves as necessary.</p>	
<p><b>The setting supports the person’s control of personal resources.</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>Not applicable. The setting-submitted attestation states and the staff interviewed confirmed that this setting does not provide money management.</p>	<p>Compliant</p>
<p><b>The setting ensures people’s right to privacy.</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 submitted the Minnesota Home Care Bill of Rights. It uses this document to inform people and the staff of a person’s rights in this area.</p> <p>Staff were observed knocking on apartment doors and asking permission to enter.</p>	<p>Compliant</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>The setting submitted the Minnesota Home Care Bill of Rights. They use this document to inform people and the staff of a person’s rights in this area. Staff were observed treating people with respect, calling them by their name and stopping to listen when people needed something. The people interviewed said staff are always “good to them.”</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>Compliant</p>

<p>The setting submitted the Minnesota Home Care Bill of Rights. They use this document to inform people and the staff of a person's right in these areas.</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>One person interviewed said she can get up when she wants, take naps if she wants and see whoever she wants to. She said she has made friends here, though she knew many people because she grew up in this town. She said she makes her own decisions. She said she likes to visit in the sitting room shown below.</p> 	<p>Compliant</p>

# Pictures of the HCBS setting



Dining room



Sitting 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.**