

HCBS Final Rule Evidentiary Package

Viste Manor



Setting information

Setting name: Viste Manor	ID number: 23857
Street address: 500 East 4 th Street, Hills MN	Phone: 507.962.3275
Website, if applicable: Viste Manor http://www.tuffmemorialhome.com/assisted-living.html	Date of site visit: 11/8/2018

Waiver service type

Waiver service	Service type
<input type="checkbox"/> Alternative Care (AC) <input 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 3 Effects of isolating characteristics	Effect of isolating characteristic	Is one of multiple homes located on the same street or adjoining property that shares programming activities

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

General summary

<p>Viste Manor is an assisted living setting located in the very rural town of Hills located in the farthest southwest corner of Minnesota. Hills has a population of 686. Within a few blocks there is a church, café, gas station and bank. It is surrounded by single family homes. Viste Manor, which serves up to 4 people (2 currently), is owned by Tuff Memorial Home, which also owns Tuff Village an additional assisted living setting.</p> <p><input type="checkbox"/> Check this box if setting meets CMS's definition of Continuing Care Retirement Community CMS CCRC definition: A housing community that provides different levels of care based on what each resident needs over time. This is sometimes called "life care" and can range from independent living in an apartment to assisted living to full-time care in a nursing home. Residents move from one setting to another based on their needs but continue to live as part of the community. Guidance related to CCRC's (https://www.cms.gov/apps/glossary) can be found on CMS's website.</p>
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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/lfs/Server/Public/DHS-6790H-ENG) (<https://edocs.dhs.state.mn.us/lfs/Server/Public/DHS-6790H-ENG>).

Minnesota's Community Based Services Manual (CBSM) provides the requirements for [customized living services](http://www.dhs.state.mn.us/main/id_001787) (http://www.dhs.state.mn.us/main/id_001787).

Prong 3 settings

Meaningful distinction between colocated settings

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>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings (i.e., how often, what type of programming or activities are shared) and how the provider assures interests and preferences are supported at an individual level (i.e., people are engaged in planning community activities based on their preferences, variety of transportation options, schedules are varied, reverse integration is not the sole form of “community integration.”):</p> <p>Administration indicated there is shared programming daily. While people have a choice of where to eat, everyone from Viste Manor goes to this setting to eat and the meals are made there. Activities are also done at this setting. They have a Tenant Council with people from both settings that discusses what activities they would be interested in. “They do discussion with individuals about their ‘bucket list’ and try to make that happen.”</p> <p>Staff indicated that 3-4 times a week they will eat the noon meal together. People will go to Tuff Village for activities such as bone builders. They can provide transportation between the settings with the settings’ Cadillac.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Describe the extent to which staff are scheduled to work with people at the other collocated setting (s) on the same shift:</p> <p>Staff are scheduled to work with people at both locations weekly. Administration told us that two staff do rounds for both buildings, one nursing and one homemaker staff. Everyone has emergency pendants in case of an emergency when the staff is at the other building.</p> <p>Staff indicated that staff take rounds of checking in or cleaning the setting and added the people here are more independent.</p> <p>We observed that no staff were in the setting during our tour.</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 other co-located setting (s), 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>

Determination	Summary
	<p>Administration indicated the setting has their own vehicles to meet the needs of the individuals including accessibility for wheelchairs. They have a bus that can hold 15 people with wheelchair accessibility, one Cadillac to drive between settings and one van more used for the nursing home to bring people to appointments but can be used for the assisted living settings. Other transportation available is the public bus or family transports.</p> <p>Staff indicated the setting can use the Cadillac and that people can also use the public bus, community volunteer drivers and family transports. People can ask staff for information.</p> <p>The person interviewed indicated that the staff helps them setup transportation</p>

Community engagement opportunities and experiences

Tuff Village offers both community and on-site activities for people to choose from. People are made aware of these activities through a monthly calendar given to them, information available on the counter in the community room and at the monthly Tenant Council meeting. Staff provides transportation with setting vehicles, assists with arranging transportation or family transports can be utilized.

Community activities offered:

- Driving around the area
- Shopping
- Church

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

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 person we interviewed was not sure if they have a written lease or resident agreement.</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>The person interviewed indicated that they are able to lock their bedroom or living unit door for privacy.</p> <p>We observed keyed locks.</p>	Compliant
<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>The person interviewed indicated that they don't share a bedroom.</p>	Compliant
<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>The person interviewed indicated they can furnish and decorate their bedroom or living unit.</p>	Compliant

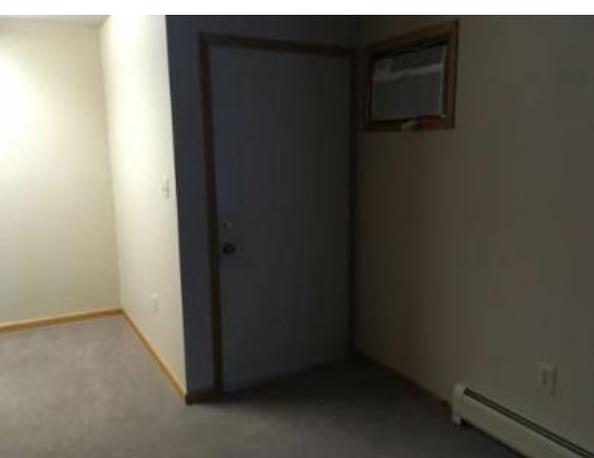
HCBS Rule requirement	Compliance status (please select)
<p>We observed living units individually decorated with personal bedding, pictures and furniture that is their own and rearranged how they want it.</p>	
<p>The setting provides people the freedom and support to control their daily schedules including 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>Administration indicated to us that there's a fridge accessible to tenants available in the community room that is labeled and dated, and added that there's cookies, water and juice available.</p> <p>Staff indicated there's snacks on the counter such as cookies, bananas, coffee and juice. People can choose not to participate in planned activities.</p> <p>The person interviewed indicated snacks are available at any time. They also indicated that they can decide for themselves what they will do on a daily basis and when. "Whenever I leave, I sign-out in the log so the staff know I am gone."</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> <p>The person interviewed indicated that they can have visitors at any time as allowed by the lease/residency agreement.</p> <p>Staff reported there are daily and weekly visits from family.</p> <p>A shared kitchen space was observed with a table between the four rooms.</p>	Compliant
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit The person interviewed indicated that they don't work for health reasons and that they don't want to.	
The setting is physically accessible to the individual. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The person interviewed indicated the setting is physically accessible to them. They said they can almost always get to the kitchen, dining room, living/family room, bedroom and bathroom when they want or need to. People moving about the setting were observed.	Compliant
The setting provides people opportunities to access and engage in community life. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Administration indicated that they provide community activities and on-site activities for people to choose from. The Tenant Council discusses activities and they are on a calendar given to everyone. Staff told us that that they provide community activities and on-site activities for people to choose from. People are informed of the activities through a monthly calendar given to them and that they are told daily. The person interviewed told us that they like to go out, and that they like to go for walks "no matter the weather." They go out twice a week and that is as often as they would like to go out. They enjoy going on the shopping trips, playing bingo and visiting with friends. They find out about activities through the calendar given to them by staff and are	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>told by the staff. For medical services they go to their provider offices in the community with their sister helping them with appointments.</p> <p>“We discussed with the Director of Nurses about putting up transportation information on the bulletin board because we did not observe this being available and they said they would do it by the end of the day.”</p> <p>We observed a bulletin board with activity calendar but there were not any public postings about community events.</p>	
<p>The setting supports the person’s control of personal resources.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit</p> <p>The person interviewed indicated the provider does not help them with money management and that they have a rep payee they can almost always easily get their money as they wish.</p>	Compliant
<p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The person interviewed indicated they are able to lock their bedroom or living unit door for privacy.</p> <p>We observed keyed locks.</p>	Compliant
<p>The setting ensures people’s dignity and respect.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The person interviewed indicated the quality of services is better than they expected.</p> <p>Staff were observed treating people with dignity and respect.</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<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>We observed one person walking between the settings after the Tenant Council meeting.</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>In addition to providing activities they can choose to participate in, the administration said people go out on their own daily, they can choose who they want in their group, and if someone wanted to work, they would provide flexible scheduling and assist them if needed.</p> <p>Staff indicated people can choose not to participate in an activity, choose who they want in their group and go out on their own weekly.</p> <p>The person interviewed indicated they can decide for themselves what they will do on a daily basis and when, adding “Whenever I leave, I sign-out in the log so the staff know I am gone.” They indicated that they can choose who they receive services from.</p> <p>People were participating in the Tenant Council meeting at Tuff Village. We observed some people doing puzzles and talking with others in the community room at Tuff Village.</p>	Compliant

Pictures of the HCBS setting





Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from Aug. 5, 2019 to Sept. 4, 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 [Aug. 5, 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: 10/1/2019

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.