

HCBS Final Rule Evidentiary Package

Westview Assisted Living



Setting information

Setting name: Westview Assisted Living	ID # 30815
Street address: 410 West Main Street Osakis, MN 56360	Phone: 320-859-2142
Setting website, if applicable: Westview Assisted Living (http://www.galeonmn.com/index.php)	Date of site visit: 5/31/2018

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	Choose an item. Community Memorial Home

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

General summary

Westview Assisted Living is located on the Galeon Senior Living continuum of care campus in a residential neighborhood. The campus offers independent living, customized living, memory care and a skilled nursing facility. Westview Assisted Living offers customized living services for people who require supports such as medications, mobility and daily living tasks. It has 25 apartments. There currently are 22 people living there, nine of which are using services funded by the Elderly Waiver.

The campus is located in Osakis, Minnesota. Osakis is located in the west-central part of the state and is a rural area. Most of Osakis is located in Douglas county, though a small part extends into Todd county. The population was 1,740 as of the 2010 U.S. Census.

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#)

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>The campus has an administrator/chief executive officer who reports to the board of directors. Each customized living setting has its own director (Housing Director) and its own clinical director, who is a registered nurse and manages the home care program of business. The management of the customized living settings, including Westview, have no management responsibilities in the skilled nursing facility. The skilled nursing facility has a separate director of nursing who does not have management responsibilities of the customized living settings.</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 staff at the skilled nursing facility do not work or provide services at the Westview customized living setting. This was stated by both the administrator and the staff person interviewed. They both also stated that if a skilled nursing facility staff person wanted to work at Westview, the person would receive HCBS training as part of the Westview orientation/training.</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>People living at Westview have several options for transportation. Rainbow Rider is the public transit option in their area. Westview also</p>

	<p>has accessible buses, and there are community volunteer drivers who drive the buses and provide rides to people at Westview. Many people have family that transports them as well. People can ask the director or any staff to help them arrange transportation using one of the above options. Transportation information is posted on bulletin boards</p>
<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>Westview, outlined in yellow in the aerial photo below, is connected to the nursing facility, outlined in red below. The green star represents the hallway where the two separate buildings are connected.</p>



This is a photo of the door and corridor that connects Westview to the skilled nursing facility.

Community engagement opportunities and experiences

People living at Westview have many options to experience their community. When people move in, they are asked about their activity interests. In addition, in monthly tenant meetings, people are encouraged to give feedback on new events or activities they would like to see offered in the future. People are made aware of their choices of activities through calendars, television screens throughout the building, bulletin boards and table tents in the dining room. People living in Westview can choose to attend activities with the skilled nursing facility, independent living building or the other customized living setting. Some examples of community activities that have been offered are:

- Attending Osakis Days
- Boat rides
- Fishing
- Going to garage sales
- Holiday lights tours
- Trips to Tip Top, a local restaurant
- Community bingo
- Sporting events, such as Lynx games
- Parades
- Salad luncheons
- Attending a 5K and BBQ
- Trailer rides.

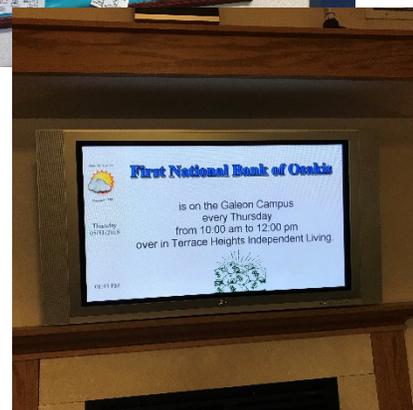


People also experience the community with their families and friends when they take them on car rides, lunches/dinners, family events or other activities of interest. People go shopping, get their hair done or attend religious services.

A daycare brings children to visit the campus, and various musicians come to perform.

The setting has activities on site as well, such as arts and crafts, bingo, religious services and events on the patio. Some people enjoy gardening during the summer. The setting also hosts an event where people can wear their prom or wedding dresses or just show them to others.

There is an expansive wellness center, Club Galeon, which the public can use to exercise or swim. A person interviewed said using the pool was one of her favorite things.



HCBS characteristics

<p>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.</p>	
<p>HCBS Rule requirement</p>	<p>Compliance status (Please select)</p>
<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>The setting provided an HCBS-compliant lease agreement as documentation through the provider attestation process. A person interviewed says she has a lease and was told what was in it when she moved in.</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>People in the setting were observed using their keys to get into their apartments. In addition, staff were observed knocking before entering a unit. A person interviewed answered, "Very much!" when asked if staff respect her privacy.</p>	<p>Compliant</p>
<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; there are no shared bedrooms in this facility. People may share a unit with a spouse or person of their choice, but no shared bedrooms are assigned.</p>	<p>Compliant</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>Each apartment was decorated differently, with personal effects such as figurines, sports memorabilia and photos.</p> <p>A person interviewed talked about the items in her apartment and said, “I have all the things that I said that I couldn’t live without, like photos and sentimental things”.</p>	<p>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>Staff interviewed said if a person misses a meal, a plate will be saved if he/she requests it. Also, a person may request a snack at any time. and it will be provided to them. In addition, people have kitchens for food storage in their units. A person stated she feels she can get food at any time, adding, “That’s why I’ve gained five pounds”.</p>	<p>Compliant</p>
<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>Visitors were observed entering and exiting the building. People were seen chatting in common areas around the setting.</p>	<p>Compliant</p>
<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>Staff indicated that there are not any people who live at Westview who are still employed or who volunteer. However, they said if a person did</p>	<p>Compliant</p>



<p>want to work, they would make accommodations to their services to support the person’s right to work or volunteer. People interviewed said they did not want to work.</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>This setting is physically accessible to people. No barriers were observed. Bathrooms were accessible with grab bars and railings. The counters were high enough to allow room for a wheelchair underneath. The person interviewed also added, “I like the maps all over helping you find where you need to go.”</p>	<p>Compliant</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>See the community engagement section. People are able to use the on-site wellness center for occupational, speech and physical therapy. However, they are free to see their own providers for these services as well. They are told this at move in and as needs arise for new services.</p> <p>A person interviewed said, “You know how it is, we all have our own doctors that we like,” and she said she accesses her doctor in the community. She stated the site helps her set up the transportation for any activities she needs a ride for.</p>	<p>Compliant</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>This is not applicable. The attestation states and the staff confirmed this setting does not provide money management.</p>	<p>Compliant</p>
<p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	<p>Compliant</p>



<input checked="" type="checkbox"/> Observation made during on-site visit The setting submitted the Minnesota Home Care Bill of Rights. It uses this document to inform people and the staff of a person’s right in this area. Staff were observed knocking on apartment doors and asking permission to enter.	
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The setting submitted the Minnesota Home Care Bill of Rights. It uses this document to inform people and the staff of a person’s right in this area. Staff were interacting with people in a respectful way, calling them by their names and listening intently as people were talking with them.	Compliant
<p>The setting ensures people’s freedom from coercion and restraint.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit The setting submitted the Minnesota Home Care Bill of Rights. It uses this document to inform people and the staff of a person’s right in these areas.	Compliant
<p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit The setting submitted the Minnesota Home Care Bill of Rights. It uses this document to inform people and the staff of a person’s right in this area. The person interviewed said she feels like this is as close to living at home as you can get. She said, “I love being with my family, but I’m always anxious to get back home and to my routine.” She said she moved here to be close to her husband, but after he passed away, she decided to stay because she thinks it is a great place to be.	Compliant

One person interviewed said the staff "Cater to each of us. They help us do what we want when we want to do it."	
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Pictures of the HCBS setting



Photo of sign outside of building



Dining room

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.