



Resolution No. 51 (2016)
RESOLUTION REGARDING IMPLEMENTATION OF THE
MARCH 2014 CENTERS FOR MEDICARE AND MEDICAID
SERVICES HOME AND COMMUNITY BASED SERVICES
REGULATIONS

1 **WHEREAS**, for nearly 120 years St. Croix County has been providing care for people,
2 beginning in 1897 when the County first opened a setting to serve residents with mental illness;
3 and
4

5 **WHEREAS**, continuation of this commitment to providing care was reaffirmed when the
6 St. Croix County Board of Supervisors approved bonding to build a new 50 bed public nursing
7 home with the addition of two community based residential facilities (CBRF), one 10 bed facility
8 for dementia and one 40 bed facility for memory care and frail elderly; and
9

10 **WHEREAS**, the total project budget is approximately \$21,400,000 and the County has
11 contracted with an architectural firm that has designed a person-centered resident-directed
12 neighborhood model; and
13

14 **WHEREAS**, the new 50 bed nursing home and 10 bed CBRF will be completed in
15 November of 2016 and the 40 bed CBRF is estimated to be completed in September of 2017; and
16

17 **WHEREAS**, the addition of the community based residential facilities will provide
18 seniors an opportunity to age in place should they desire to do so; and
19

20 **WHEREAS**, the new 10 bed community based residential facility will provide services
21 for individuals with dementia which is aligned with needs identified by the State of Wisconsin in
22 work that was completed in February of 2014 on Dementia Care System Redesign-A Plan for a
23 Dementia-Capable Wisconsin; and
24

25 **WHEREAS**, the implementation of the March 2014 Centers for Medicare and Medicaid
26 Services (CMS) Home and Community Based Services (HCBS) regulations assures that
27 Medicaid-waiver beneficiaries receive home and community-based services which are fully
28 integrated into their communities and that the settings where services are delivered are non-
29 institutional; and
30

31 **WHEREAS**, in the March 2014 regulation, CMS presumes that certain settings have
32 institutional qualities and do not meet the requirements for home and community-based settings,
33 thus are ineligible to provide home and community-based services unless such settings are able
34 to overcome this presumption via a heightened standard of proof; and
35

36 **WHEREAS**, St. Croix County must meet the heightened standard of proof as the
37 community based residential facilities are on the grounds of the publicly operated nursing home;
38 and
39

40 **WHEREAS**, in June of 2015, after receiving and reviewing St. Croix County's request
41 for heightened scrutiny review, Wisconsin Department of Health Services Secretary Kitty

42 Rhoades forwarded this request to U.S. Department of Health Services Secretary Sylvia Burwell;
43 and
44

45 **WHEREAS**, in March of 2016, on behalf of St. Croix County, U.S. Senator Baldwin
46 received a response from CMS which indicated that a setting presumed to have qualities of an
47 institution could not be determined to be compliant with the home and community-based settings
48 regulatory requirement until it is operational and occupied by beneficiaries receiving services
49 there, as to comply with the settings regulations, requirements beyond the physical structure of
50 the setting itself must be met; and
51

52 **WHEREAS**, in addition to the physical location and design, the June 2015 St. Croix
53 County request for heightened scrutiny also included community integration, resident's rights
54 and person's experience; and
55

56 **WHEREAS**, given the now articulated response from CMS, St. Croix County must
57 resubmit the heightened scrutiny request once individuals are served because as a new provider
58 of community based residential services, St. Croix County is not afforded the opportunity to
59 work with the State of Wisconsin to address the presumption of ineligibility and become
60 compliant by March 17, 2019 which is the time frame afforded existing providers that must
61 address similar presumptions; and
62

63 **WHEREAS**, the March 2016 decision by CMS for St. Croix County will limit access to
64 Medicaid beneficiaries at our facility until such time as a resubmittal and CMS approval is
65 received; and
66

67 **WHEREAS**, this decision is likely to limit future development of other like providers
68 that serve Medicaid beneficiaries; and
69

70 **WHEREAS**, within our local area, access for Medicaid beneficiaries to community
71 based residential facilities is a concern and may result in seniors accessing higher cost
72 institutional care to meet their needs; and
73

74 **WHEREAS**, at a joint meeting of the Ad Hoc Health Center Construction Committee
75 and the Health and Human Services Board held on September 29, 2016 a motion to submit this
76 resolution at the next Health and Human Services Board meeting was unanimously approved.
77

78 **THEREFORE, BE IT RESOLVED** by the St. Croix County Board of Supervisors that
79 the 10 bed and 40 bed community based residential facilities on the grounds of the St. Croix
80 County Health and Rehab Center, a 50 bed public nursing home, should be granted the ability to
81 serve home and community based waiver recipients in need of services at the onset of the facility
82 opening, and be afforded the opportunity to demonstrate to the State of Wisconsin Department of
83 Health Services and CMS that the setting overcomes the presumption of ineligibility prior to the
84 March 17, 2019 effective date of the CMS HCBS regulations.
85

86 **FURTHER, BE IT RESOLVED** that the St. Croix County Board of Supervisors directs
87 the County Clerk to forward this resolution to the office of the Governor, Assembly Members
88 and Senators representing St. Croix County, Wisconsin U.S. Senators, U.S. 7th District

89 Representative, Wisconsin Counties Association, Wisconsin Department of Health Services
90 Secretary, and the Chairperson and Ranking Member of the U.S. Senate Special Committee on
91 Aging.

Legal – Fiscal – Administrative Approvals:

Legal Note:

Fiscal Impact: No fiscal impact


Heather Wolske, Assistant Corporation Counsel 10/6/2016

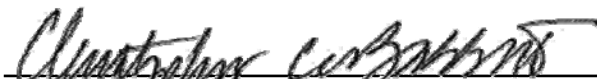

Robert Mittet, Finance Director 10/6/2016


Patrick Thompson, County Administrator 10/6/2016

10/11/16 Health & Human Services Board APPROVED

RESULT: APPROVED [UNANIMOUS]
MOVER: Ron Kiesler, Vice Chair
SECONDER: Paulette Anderson, Supervisor
AYES: Logelin, Babbitt, Coulter, Long, Kiesler, Anderson, Leibfried, Rasmussen
ABSENT: Lisa Ramsay

Vote Confirmation.


Christopher Babbitt, Supervisor 10/12/2016

St. Croix County Board of Supervisors Action:

Roll Call - Vote Requirement – Majority of Supervisors Present

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Ann Berke, Supervisor
SECONDER: Ron Kiesler, Supervisor

AYES: Sicard, Ring, Coulter, Sjoberg, Long, Bergren, Nelson, Berke, Ostness, Larson, Hansen, Kiesler, Brinkman, Peterson, Anderson, Achterhof, Leibfried, Peavey
ABSENT: Christopher Babbitt

This Resolution was Adopted by the St. Croix County Board of Supervisors on November 1, 2016

Cindy Campbell, County Clerk