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

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

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

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

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

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

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

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

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

WHEREAS, in June of 2015, after receiving and reviewing St. Croix County's request for heightened scrutiny review, Wisconsin Department of Health Services Secretary Kitty
Rhoades forwarded this request to U.S. Department of Health Services Secretary Sylvia Burwell; and

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

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

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

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

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

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

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

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

FURTHER, BE IT RESOLVED that the St. Croix County Board of Supervisors directs the County Clerk to forward this resolution to the office of the Governor, Assembly Members and Senators representing St. Croix County, Wisconsin U.S. Senators, U.S. 7th District
Legal – Fiscal – Administrative Approvals:

Legal Note:
Fiscal Impact: No fiscal impact

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

Vote Confirmation.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jill Ann Berke, Supervisor
SECONDER: Ron Kiesler, Supervisor
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<td>ABSENT:</td>
<td>Christopher Babbitt</td>
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This Resolution was Adopted by the St. Croix County Board of Supervisors on November 1, 2016

Cindy Campbell, County Clerk