

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Developmental Disabilities Board
INITIATED BY



John Hanewall, Director
DRAFTED BY

Developmental Disabilities Board
SUBMITTED BY

Sept 5, 2014
DATE DRAFTED

**Opposition to the Proposed Changes in the
Medicare Home and Community-Based Services (HCBS) Program**

1 **WHEREAS**, on January 10, 2014, the Centers for Medicare and Medicaid Services(CMS) issued a Fact
2 Sheet summarizing the key provisions of the Home and Community-Bases Services (HCBS) Setting Final
3 Rule (CMS 2249-F/2296-F); and,
4

5 **WHEREAS**, CMS stated in that Fact Sheet that, "CMS will be providing additional information about
6 how states should apply the standards to non-residential settings, such as day programs and pre-vocational
7 training settings"; and,
8

9 **WHEREAS**, the Rock County Developmental Disabilities Board strongly believes that we need to
10 preserve the full compendium of pre-vocational and day program services in all settings, both disability-
11 specific and integrated in the community, in order to be consistent with the mandate for individuals
12 choice of service settings under the new HCBS rule that states that in addition to being led by the
13 individual receiving services and supports, the person-centered planning process per 42 CFR 441.301 (c)
14 (1) (ii), (vii) and (ix):

15 (ii) provides necessary information and support to ensure that the individual directs the process to the
16 maximum extent possible, and is enabled to make informed choices and decisions,

17 (vii) offers informed choices to the individual regarding the services and supports they receive and
18 from whom,

19 (ix) records the alternative home and community-based settings that were considered by the
20 individual; and,
21

22 **WHEREAS**, a "one size fits all" approach is not consistent with a person-centered approach to delivering
23 waiver services but rather each individual should have a choice in the services they receive and where
24 those services are delivered; and,
25

26 **WHEREAS**, as long as services are also offered in more integrated settings, nothing in the new rule
27 should be interpreted to prohibit covered HCBS services from being delivered in settings that historically
28 have been regarded as "sheltered workshops", "facility based employment", "day centers", etc.; and,
29

30 **WHEREAS**, the Rock County Developmental Disabilities Board contracts with both KANDU
31 Industries, Inc. and Riverfront to provide vocational and pre-vocational training to over 300 citizens of
32 Rock County who have a diagnosis of a developmental and/or cognitive disability; and,
33

34 **WHEREAS**, both KANDU Industries, Inc. and Riverfront both have Supportive Employment Programs
35 where individuals, who are capable and have the skill set, are placed into community jobs, as well as pre-
36 vocational programs.
37

38 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled
39 this 25 day of September, 2014 does hereby oppose the proposed changes in the Medicare
40 Home and Community-Based Services (HCBS) program and requests the Wisconsin Department of
41 Health Services, our legislators and Governor Scott Walker to:

42 1) Preserve the full range of options for people with disabilities, including the option to attend and
43 access facility-based vocational and day services.

44 2) Recognize that because of incomplete federal guidelines, the Department of Health Services plan
45 is incomplete.

46 3) Request that the State open another 30-day comment period after the Federal guidelines are
47 complete.

14-9B-125

Opposition to the Proposed Changes in the Medicare Home and Community-Based Services (HCBS) Program

Page 2

Respectfully submitted,

Developmental Disabilities Board

Louis Peer

Louis Peer, Chair

Becky Heimerl

Becky Heimerl, Vice Chair

Greg Addie

Greg Addie

Jason Dowd

Jason Dowd

Cheryl Drozdowicz

Cheryl Drozdowicz

Absent

Lynda Olson

Edward Bransey

Edward Bransey

Bridget Rolek

Bridget Rolek

Nancy Lannert

Nancy Lannert

COUNTY BOARD STAFF COMMITTEE

J. Russell Podzilni

J. Russell Podzilni, Chair

Sandra Kraft

Sandra Kraft, Vice Chair

Absent

Eva Arnold

Henry Brill

Henry Brill

Betty Jo Bussie

Betty Jo Bussie

Mary Mawhinney

Mary Mawhinney

Louis S. Peer

Louis Peer

FISCAL NOTE:

This resolution addresses a State policy issue and has no direct fiscal impact on Rock County operations in and by itself.

Sherry Oja

Sherry Oja
Finance Director

LEGAL NOTE:

Advisory only.

Jeffrey S. Kuglitsch

Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of policy.

Josh Smith

Josh Smith
County Administrator

Alan Sweeney

Alan Sweeney

Terry Thomas

Terry Thomas

EXECUTIVE SUMMARY

The Centers for Medicare and Medicaid Services, on January 10, 2014, issued a Fact Sheet that summarized the key provisions of the Home and Community-Based Services (HCBS) program in which, how states should apply the standards to non-residential settings, such as day programs and pre-vocational training settings.

Since the Rock County Developmental Disabilities Board currently provides services to over 300 individuals with cognitive and/or developmental disabilities and many of these individuals are receiving services in the aforementioned settings (i.e., KANDU Industries, Inc. and Riverfront), both which also offer Supportive Employment Programs for individuals who choose and have the skill set to work in the community, it is noteworthy that changes in the HCBS program would greatly effect numerous individuals in these programs.

The Rock County Developmental Disabilities Board wishes to go on record as to opposing any changes in the HCBS program that would limit the choices that individuals have in regards to day programming and pre-vocational training. It seeks support of our legislators and Governor in assuring that individuals with cognitive and developmental disabilities have a full range of options available, including settings that historically have been regarded as “sheltered workshops”, “facility based employment”, and “day centers”.