

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

INITIATED BY

HEALTH SERVICES COMMITTEE  
SUBMITTED BY



Corporation Counsel Richard  
Greenlee

DRAFTED BY

November 10, 2021  
DATE DRAFTED

**RESCINDING RESOLUTION NO. 21-5B-266, RELATED TO COVID-19 VACCINE  
REQUIREMENTS AT ROCK HAVEN**

- 1 **WHEREAS**, on November 4, 2021, the United States Department of Health and Human Services’ Centers
- 2 for Medicare and Medicaid Services (“CMS”) issued the interim final rule Omnibus COVID-19 Health
- 3 Care Vaccinations; and,
- 4
- 5 **WHEREAS**, this Rule requires that all Medicare and Medicaid certified skilled nursing facilities
- 6 implement policies and procedures that require all staff working at the facilities to be fully vaccinated; and,
- 7
- 8 **WHEREAS**, Resolution Number 21-5B-266 passed by the Rock County Board of Supervisors on May
- 9 27, 2021 states “Rock Haven may not require staff to receive a COVID-19 vaccine”; and,
- 10
- 11 **WHEREAS**, it is necessary for the Board of Supervisors to rescind Resolution Number 21-5B-266 in
- 12 order to come into compliance with the November 4 Interim Final Rule; and,
- 13
- 14 **WHEREAS**, failure to come into compliance with the November 4 Interim File Rule could result in
- 15 citations, forfeitures, and other penalties imposed by CMS, up to and including denial of payment of all
- 16 federal funding for Rock Haven.
- 17
- 18 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled
- 19 this 18th day of November, 2021 hereby rescinds Resolution Number 21-5B-266.

Respectfully submitted,

**HEALTH SERVICES COMMITTEE**

/s/Tom Brien  
Tom Brien, Chair

/s/Kathy Schulz  
Kathy Schulz

Absent  
Kevin Leavy

/s/Ron Bomkamp  
Ron Bomkamp

/s/Mary Beaver  
Mary Beaver

Rescinding Resolution No. 21-5B-266, Related to COVID-19 Vaccine Requirements at Rock Haven  
Page 2

LEGAL NOTE:

The County Board is authorized to take this action pursuant to Wis. Stat. § 59.22(2)(c).

/s/Richard Greenlee

Richard Greenlee  
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended. While the County could choose to forego \$9.5 million in federal revenue and still operate Rock Haven, it would be challenging to reallocate \$9.5 million that is currently devoted to other areas of the County budget to Rock Haven.

/s/Josh Smith

Josh Smith  
County Administrator

FISCAL NOTE:

If this resolution isn't approved, it will have a material effect on the County's finances due to the loss of \$9.5 million in federal revenue and the possibility of other financial penalties CMS may impose.

/s/Sherry Oja

Sherry Oja  
Finance Director

Executive Summary

**RESCINDING RESOLUTION NO. 21-5B-266, RELATED TO COVID-19 VACCINE REQUIREMENTS AT ROCK HAVEN**

On November 4, 2021, the United States Department of Health and Human Services’ Centers for Medicare and Medicaid Services (“CMS”) issued the interim final rule Omnibus COVID-19 Health Care Vaccinations. This Rule requires that all Medicare and Medicaid certified skilled nursing facilities implement policies and procedures that require all staff working at the facilities to be fully vaccinated. This rule will be enforced through the annual and complaint survey processes, which are conducted by State surveyors. Enforcement actions can include citations, forfeitures, and denial of new admissions, among other actions.

Ultimately, the rule requires compliance in order to receive federal Medicare and Medicaid funding. In the 2022 Rock County budget, federal revenues are anticipated to total \$9.5 million, or 55.3% of the \$17.2 million operating budget for Rock Haven. The other primary sources include tax levy (\$4.3 million) and private pay revenue (\$3.3 million).

Resolution Number 21-5B-266, passed by the Rock County Board of Supervisors on May 27, 2021, states “Rock Haven may not require staff to receive a COVID-19 vaccine.” In order to come into compliance with the November 4 Interim Final Rule and avoid enforcement actions and the potential loss of federal funding, it is necessary for the Board of Supervisors to rescind Resolution Number 21-5B-266.