

Resolution #

Resolution Regarding the Western Highland Area Authority Medicaid 1915b/c Waiver Project

- WHEREAS,** the Western Highlands’s Area Authority serves as the Local Management Entity (LME) for mental health, developmental disabilities, and substance abuse services in the eight county region consisting of Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, Transylvania and Yancey counties; and
- WHEREAS,** North Carolina statute [N.C.G.S. 122C-115(a)] requires that “a county shall provide mental health, developmental disabilities, and substance abuse services through an area authority”; and
- WHEREAS,** the federal medical assistance program known as Medicaid permits states to receive permission to waive numerous requirements of Title XIX of the Social Security Act so as to increase consumer access to care, improve quality of care, and demonstrate cost effectiveness; and
- WHEREAS,** the North Carolina Department of Health and Human Services designated Western Highlands to participate in the ongoing 1915(b)/(c) Medicaid Waiver for mental health, developmental disabilities, and substance abuse services delivered to Medicaid recipients within the region served by Western Highlands Area Authority; and
- WHEREAS,** the Waiver allows Western Highlands to manage and authorize all Medicaid and State-funded mental health, developmental disabilities, and substance abuse services locally with the public policy purpose to deliver “the right services to the right person at the right time in the right amount at the right cost”; and
- WHEREAS,** the Waiver requires of Western Highlands to pay for all Medicaid and State-funded mental health, developmental disabilities, and substance abuse services from an annual finite, capitated amount of Medicaid and state funds ; and
- WHEREAS,** the North Carolina Department of Health and Human Services perceives such Waiver as the future model of managing mental health, developmental disabilities, and substance abuse services; and
- WHEREAS,** the Buncombe County Board of Commissioners is committed to ensuring a sustainable and effective system of mental health, developmental disabilities, and substance abuse services to serve our citizens and their families; and
- WHEREAS,** the Buncombe County Board of Commissioners has committed significant local resources to ensure the availability of a sustainable and effective system of mental health, developmental disabilities, and substance abuse services to serve our citizens and their families; and

WHEREAS, North Carolina statute [N.C.G.S. 122C-115.3(g)] requires that, upon the dissolution of an area authority, any unsatisfied indebtedness of the dissolved area authority shall be satisfied by participating counties on a pro rata basis; and

WHEREAS, the proposal for Western Highlands to assume control of the management and payment of mental health, developmental disabilities, and substance abuse services delivered to Medicaid recipients contains a federally mandated a state funded “stop loss” set aside at the level of 2% Administrative cost, however the risk pool level for Western Highlands to set aside prior to authorization and utilization of “1915(b)(3) Waiver services” is \$15,000,000; and

WHEREAS, the Buncombe County Board of Commissioners must balance the potential benefits to our citizens and their families arising from the Waiver’s local management, oversight and payment of mental health, developmental disabilities, and substance abuse services with the corresponding potential increased financial liability of the County; and

WHEREAS, the Buncombe County Board of Commissioners would oppose “savings” through reduced access to mental health, developmental disabilities, and substance abuse services; and

WHEREAS, in evaluating this waiver the County has exercised due diligence as follows:

- A fiscal review by the County Internal Auditor and Human Services Support Team Manager.
- A request from Western Highlands leadership for detailed comprehensive information on the impact to consumers specific to the waiver.
- A review of the opportunities and risk of this specific waiver by an expert legal consultant.

NOW, THEREFORE BE IT RESOLVED by the Buncombe County Board of Commissioners, that Buncombe County as follows:

1. That this Board endorses the Western Highlands Area Authority Network’s participation in the proposed Medicaid 1915(b)/(c) Waiver under the following conditions and failure to adhere to this criteria would result in a review of our continued participation:
 - A recognition that the unique Board composition of Western Highlands, which includes 8 County Managers; will be maintained as this provides additional fiscal and management capacity to oversee the Waiver.
 - Western Highlands Area Authority completely comply with their IT Plan prior to the start date as this infrastructure is necessary in order to gain the efficiencies needed to generate savings to support service flexibility.
 - Western Highlands Area Authority defines integrated care as a primary objective and fully partner and support our Federally Qualified Health Clinic (FQHC) the Minnie Jones Health Clinic, the largest integrated care provider in our County.
 - Western Highlands Area Authority provides detailed monthly reports to Buncombe County specific to service expansion and service denials related to the Waiver.
 - Western Highlands Area Authority completes the funding of the risk pool amount of \$15,000,000 prior to authorization and utilization of “1915(b)(3) Waiver services”.

- Western Highlands Area Authority present monthly reports to the County specific to the number and outcome of appeals by consumers and providers.
 - Western Highlands Area Authority provides monthly financial and risk pool data analysis to the designated County representative.
2. That by supporting this action, Buncombe County assumes no additional financial obligation to the Western Highlands Area Authority other than to maintain its statutorily mandate pursuant to N.C.G.S. 122C-115(d) Maintenance of Effort funding level and to comply with N.C.G.S. 122C-115.3(g).
3. That this resolution shall be effective upon its adoption.

Adopted this the 15th day of February, 2011.

ATTEST

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE**

Kathy Hughes
Clerk to the Board of Commissioners

David Gantt
Chairman

Approved as to form:

Mike Frue, County Attorney