

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES

DATE: JUNE 25, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
THOMAS
CHAMPAGNE
TAYLOR
LOEB
MCDEVITT

OTHERS PRESENT:

REPRESENTING THE DEPARTMENT OF PUBLIC HEALTH:
PAT AUER, DIRECTOR
GINELLE JONES, ASSISTANT DIRECTOR OF PUBLIC HEALTH
TAWN DRISCOLL, FISCAL MANAGER
REPRESENTING WESTMOUNT HEALTH FACILITY:
BARBARA TAGGART, ADMINISTRATOR
BETSY HENKEL, COMPTROLLER
BRENDA HAYES, DIRECTOR OF NURSING
MICHAEL MCCARTHY, MCCARTHY & CONLON, LLP
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY/COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISOR STRAINER
DON LEHMAN, *THE POST STAR*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR PITKIN

Mr. Sokol called the meeting of the Health Services Committee to order at 9:30 a.m.

Motion was made by Mr. Champagne, seconded by Mr. McDevitt and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Pat Auer, Director of Public Health, who distributed copies of the agenda to the Committee members; a copy of the agenda is on file with the minutes.

Ms. Auer said the agenda format had been changed slightly based on recommendations made during the last Department Head meeting.

Ms. Auer requested to ratify the actions of the Chairman of the Board in signing the application for ARRA (American Recovery and Reinvestment Act of 2009) funding for the Preschool Special Education Program. She added the application deadline was June 11, 2010 and it had been necessary to submit it prior to the Committee meeting. She explained the State had decided to utilize ARRA funds to pay the counties the 59.5% reimbursement for the Preschool Programs. She added it was not mandated that counties apply for the ARRA funding; however, she said, not doing so could mean a delay in the receipt of reimbursement of more than two years. She advised ARRA funding necessitated additional paperwork but she felt there was no other choice.

Motion was made by Mr. Champagne and seconded by Mr. Loeb to ratify the actions of the Chairman of the Board as outlined.

Mr. Sokol questioned the amount of funding that would be received and Ms. Auer reiterated it would be 59.5% reimbursement of the expenses for operating the Preschool Program. Paul Dusek, County Attorney/Commissioner of Administrative & Fiscal Services, said that although there were questions as to how the State would reimburse the counties with ARRA funds, the State had requested the submissions of the applications. He explained the State was having cash flow problems and was using any available source of funding to meet their obligations.

Mr. Sokol called the question and the motion was carried unanimously to ratify the actions of the Chairman of the Board as outlined. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 16, 2010 Board meeting.*

Ms. Auer requested to renew the existing contract with the New York State Department of Health (NYS DOH) Division of Family Health to allow receipt of continued funding for Early Intervention Administration activities, for a term commencing October 1, 2010 and terminating September 30, 2011, in an amount not to exceed \$38,975.

Motion was made by Mr. Taylor, seconded by Mr. Thomas and carried unanimously to approve the request as presented. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 16, 2010 Board meeting.*

Ms. Auer requested to renew the existing contract with the NYS DOH to allow receipt of continued funding for the WIC (Women, Infants and Children) Program for a term commencing October 1, 2010 and terminating September 30, 2011, in an amount not to exceed \$534,730.

Motion was made by Mr. McDevitt, seconded by Mr. Loeb and carried unanimously to approve the request as presented. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 16, 2010 Board meeting.*

Ms. Auer requested to fill the vacant position of Community Health Nurse, base salary of \$42,082, due to resignation. She advised the position was not mandated but generated approximately \$144,000 per year in revenue. She added the current salary of the employee vacating the position was \$47,694; thereby realizing a net savings of \$5,612.

Motion was made by Mr. Champagne, seconded by Mr. Loeb and carried unanimously to approve the request to fill the vacant position as outlined and to forward same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Ms. Auer requested authorization for a contractual agreement with Eileen Dashnaw to provide orientation, mobility and occupational therapy services at the approved therapy contract rate. She noted there was a blind child who required these services and there were no current contractors who were certified to provide this type of service.

Motion was made by Mr. Taylor, seconded by Mr. Thomas and carried unanimously to approve the request as presented. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 16, 2010 Board meeting.*

Ms. Auer noted a report on monthly Emergency Preparedness activities was included in the

agenda packet.

Referring to the purchase of equipment for outside departments discussed at the last Committee meeting, Ginelle Jones, Assistant Director of Public Health, said there had been \$60,000 remaining in grant funds and they had offered \$20,000 each to the Office of Emergency Services (OES), EMS (Emergency Medical Services) and the Sheriff's Department. She added she had sent a list to the DOH for pre-approval of the purchases and everything was approved with the exception of the light bars for the Sheriff's Department's vehicles. She explained she had met with Sheriff York to discuss the radio upgrade for OES and she received a verbal approval from DOH to purchase the new radios for the Sheriff's Department.

Ms. Auer stated there was no new information to report on the issue pertaining to the Preschool provider who did not provide services. She advised the Department was in the process of obtaining the equipment to complete the Point of Care Capital Project.

Referring to the report on revenues and expenditures, Tawn Driscoll, Fiscal Manager of Public Health, said the budget was on target when compared to previous years and the reports for May had been completed. She explained they billed monthly for WIC and BT (bioterrorism) expenses, both of which were up to date. She reported the State owed Warren County in excess of \$1.8 million for the Preschool Program, of which \$1 million was for the 2009/2010 school year. Brief discussion ensued.

Ms. Driscoll requested a transfer of funds in the amount of \$157 from WIC-Supplies (A.4013.410) to WIC-Worker's Compensation (A.4013.840) to reflect the cost of worker's compensation insurance. She explained this was the amount of the worker's compensation insurance which could be attributed to the WIC Program.

Motion was made by Mr. Champagne, seconded by Mr. Loeb and carried unanimously to approve the request for a transfer of funds as outlined and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Brief discussion ensued.

This concluded the Health Services portion of the Committee meeting and the representatives from Health Services exited the meeting at 9:50 a.m.

Privilege of the floor was extended to Barbara Taggart, Administrator of Westmount Health Facility, who distributed copies of the agenda to the Committee members; a copy of the agenda is on file with the minutes.

Ms. Taggart introduced Michael McCarthy, of McCarthy & Conlon, LLP and said that the first item on the agenda was the presentation of the financial report for Westmount Health Facility by Mr. McCarthy. Copies of the Financial Report dated December 31, 2009, as well as a management letter were distributed to the Committee members; a copy of same is on file with the minutes.

Referring to the Balance Sheet on page 2 of the report, Mr. McCarthy stated the financial condition of Westmount Health Facility was as strong as it had been in the last 25 years. He

said this was true of most county nursing homes due to the implementation of the IGT (Intergovernmental Transfers). He noted the Post-Employment Health Benefits for 2009 had more than doubled as compared to 2008. He explained this was the retiree health insurance liability that was required to be recorded. Referring to page 3 of the report, Mr. McCarthy reported the decrease in fund equity showed a loss which was attributed to the increase in Post-Employment Health Benefits.

Mr. McCarthy explained the proprietary and not-for-profit nursing homes had petitioned the Governor of New York State to change the methodology of calculating Medicaid payments and take some of the funding which had been allocated to the counties to be distributed to the proprietary and not-for-profit nursing homes. He apprised nursing home Medicaid rates had been based on 1983 costs since 1986. In 2006 the Federal government completed an audit, he continued, and the State was forced to re-base the Medicaid calculations on 2002 costs. He explained the re-basing had resulted in a shift of funding away from the proprietary and not-for-profit nursing homes to county nursing homes. He said NYSAC (New York State Association of Counties) and NYAHS (New York Association of Homes & Services for the Aging) were urging the counties to send letters to the State Legislature opposing a change in the methodology of calculating Medicaid payments. Mr. McCarthy stated if the proprietary and not-for-profit nursing homes were successful with their petition to the Governor, a portion of the \$571,801 in Medicaid payments for 2009 would not be collectable. Mr. Champagne suggested the Chairman of the Board draft a letter to State Legislators opposing this change in methodology. Brief discussion ensued.

Motion was made by Mr. Champagne, seconded by Mr. McDevitt and carried unanimously to ratify the actions of the Chairman of the Board in sending a letter to State Legislators opposing a change in the methodology of calculating Medicaid payments, which would shift some of the funding allocated to the counties to the proprietary and not-for-profit nursing homes. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 16, 2010 Board meeting.*

Discussion ensued pertaining to the difficulties of collecting accounts receivable from the patients and family members.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to accept the Financial Report from McCarthy & Conlon, LLP, dated December 31, 2009.

Ms. Taggart stated the next item for discussion pertained to a reimbursement to Westmount Health Facility for the gas and electric bills generated by the buildings at the Municipal Center Annex. She noted the total cost of the bills for 2010 was \$123,637 and Medicaid would only reimburse the amount attributed to Westmount Health Facility. Mr. Dusek apprised there were some questions raised by the County Facilities Committee concerning the gas and electric bills. He advised there would be a reimbursement from the County to Westmount Health Facility for the gas and electric bills.

Brenda Brown Hayes, Director of Nursing, mentioned there was a staffing report included in the agenda packet. She reported the Facility had three vacant RN (Registered Nurse) positions, one vacant LPN (Licensed Practical Nurse) position and two vacant CNA (Certified Nursing Assistant) positions. She apprised they had hired one RN who decided the job was not to her

liking. A second RN was hired, she continued, and was currently in training. She reported there were three employees out on disability, one on maternity leave and one on light duty. Ms. Hayes explained they were trying to cover the shifts with the few Per Diem employees who were available. She advised that of the seven Per Diem CNA's, there was only one who was willing to work.

Ms. Hayes apprised she had sent Mr. Dusek reports pertaining to staffing of New York State nursing homes. She added that Westmount Health Facility fell below the minimum staffing levels and that the Assembly was discussing the possibility of enforcing minimum staffing levels in nursing facilities.

Mr. Loeb asked if a shift differential was offered at Westmount Health Facility and Ms. Hayes responded affirmatively but added there was currently no differential offered for weekends. Ms. Hayes pointed out the lack of weekend differential made it difficult to keep the Facility fully staffed on the weekends due to employees calling in sick. She added she was gathering information as to what other facilities were compensating for weekend differentials prior to requesting the same for Westmount Health Facility. Mr. Champagne suggested the Per Diem nurses utilized by the Department of Public Health be contacted to determine if they would be willing to work Per Diem at Westmount Health Facility.

Discussion ensued.

Ms. Hayes explained she had hired one RN who had not obtained her license yet and she was currently training as a CNA. She advised they were attempting to recruit LPN's as they graduated from college and she did not have any full-time positions available to fill with potential employees. She apprised there was one RN Supervisor and following discussions with the Personnel Officer it was determined that her qualifications did not meet the job description. She added the RN was hired as a full-time RN but the only vacant position available was that of an RN2. She explained the RN2 position was created to increase the pay rate for experienced RN's and this individual was not experienced enough to qualify for the RN2 position. Mr. Dusek stated they could create the needed RN position and abolish the RN2 position or the RN2 position could be left in the budget unfunded and an RN position could be created.

Ms. Hayes stated the Facility was in need of the creation of new positions. She added it was difficult to request a Per Diem to work a 40-hour week when they would not receive benefits. She explained she had hired a CNA full time because she had thought there was a vacant full time CNA position; the CNA was working full time but in a Per Diem capacity without benefits. She voiced her opinion that there were not enough vacant positions available to keep the Facility fully staffed and noted Per Diem employees were being utilized more often than they should in order to staff the Facility. Mr. Champagne recommended Ms. Hayes be given the authority to maneuver positions as necessary, assuming she stayed within the total of 80 employees. Ms. Hayes noted some of the Per Diems were working full time hours in the hopes that a full time position would become available.

Mr. Dusek stated he would work with Ms. Hayes to determine a resolution to the staffing issue. He suggested it might be necessary to increase the staffing levels for certain positions in order to properly staff the Facility. Mr. Sokol said staffing at Westmount Health Facility had been an

issue for as long as he had been a member of the Committee. He recommended creating a CNA position in order to retain the employee who believed she was being hired as a full time CNA. Mr. Champagne suggested the creation of a full time position that would 'float' between shifts as needed. Mr. Dusek said the position could be created in a way that would allow the employee to float between shifts.

Following a brief discussion, motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to create a new full time CNA position, base salary of \$24,908 and to forward same to the Personnel Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart apprised she had worked with Julie Pacyna, Purchasing Agent, on the release of an RFP (Request for Proposal) in order to update the Policies and Procedures of the Facility. She said the RFP had been sent to approximately 15 companies and the deadline was July 1, 2010. She noted the Policies and Procedures had not been updated in the last ten years. Mr. Taylor asked if health insurance companies provided this service free of charge and Mr. Dusek replied in the negative adding the service was not for nursing home facilities.

Ms. Taggart requested an executive session to discuss the employment history of a particular person.

Motion was made by Mr. Loeb, seconded by Mr. Taylor and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 10:55 a.m. to 11:12 a.m.

The Committee reconvened and Mr. Sokol noted no action was necessary pursuant to the executive session.

Ms. Taggart thanked the Supervisors who had attended the Memorial Day Event at Westmount Health Facility and added the event had also been attended by Assemblywoman Sayward and had been successful. She reported a family picnic had been held at Westmount Health Facility on Tuesday, June 22, 2010 with 56 family members in attendance.

As there was no further business to come before the Health Services Committee, on motion made by Mr. McDevitt and seconded by Mr. Thomas, Mr. Sokol adjourned the meeting at 11:14 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist