

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES

DATE: OCTOBER 22, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
THOMAS
LOEB
MCDEVITT

COMMITTEE MEMBERS ABSENT:

SUPERVISORS CHAMPAGNE
TAYLOR
VACANT - TOWN OF THURMAN

OTHERS PRESENT:

REPRESENTING WESTMOUNT HEALTH FACILITY:
BETSY HENKEL, COMPTROLLER
SUSAN BARTHOLOMEW, DIRECTOR OF NURSING
REPRESENTING THE DEPARTMENT OF PUBLIC HEALTH:
PAT AUER, DIRECTOR OF PUBLIC HEALTH/PATIENT SERVICES
SHARON SCHALDONE, ASSISTANT DIRECTOR OF HOME CARE DIVISION
GINELLE JONES, ASSISTANT DIRECTOR OF PUBLIC HEALTH DIVISION
TAMMIE DELORENZO, CLINICAL & FISCAL INFORMATICS COORDINATOR
TAWN DRISCOLL, FISCAL MANAGER
FREDERICK MONROE, CHAIRMAN
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS BENTLEY
KENNY
MCCOY
MERLINO
STRAINER
EVELYN WOOD, TOWN OF THURMAN
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Sokol called the meeting of the Health Services Committee to order at 9:32 a.m.

Motion was made by Mr. Thomas, 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 Betsy Henkel, Comptroller for 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. Henkel introduced Susan Bartholomew, the newly appointed Director of Nursing at Westmount Health Facility, to the Committee members.

Ms. Henkel presented a request to fill the vacant position of Dietary Service Supervisor, base salary of \$41,246, Employee No. 5709, due to retirement. She noted the position was mandated and the employee who currently held the position would retire at the end of January or beginning of February 2011.

Motion was made by Mr. Loeb, seconded by Mr. McDevitt 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. Henkel presented a request for a transfer of funds between various codes totaling \$230,550 for the purpose of balancing the budget for the end of the year. She explained that some of the transfers were necessary due to an increase in the number of employees who qualified for the sick leave incentive this year, which totaled 28 employees compared to 15 employees in 2009. She announced that the Housekeeping and Laundry Departments had no employees out sick for the entire year. The remainder of the transfers were due to insufficient balances in the salary and resident care accounts, she noted, both of which were difficult to estimate the amount that would be necessary during the budget process.

Motion was made by Mr. Loeb and seconded by Mr. McDevitt to approve the request for a transfer of funds as outlined and to forward same to the Finance Committee.

Mr. Loeb questioned the amount of the sick leave incentive offered to employees and Ms. Henkel replied \$400 and added two of the qualifying employees would receive a pro-rated amount. Mr. Loeb asked if the employees of the Facility were using their sick time appropriately and Ms. Henkel replied affirmatively. Mr. Loeb inquired if there were employees working while they were sick in order to qualify for the incentive and Ms. Henkel replied in the negative and added that the employees used available vacation or personal time in lieu of using sick time.

Following further discussion, Mr. Sokol called the question and the motion carried unanimously to approve the request for a transfer of funds as outlined and to forward same to the Finance Committee. *Copies of the Request for Transfer of Funds forms are on file with the minutes.*

Pertaining to staffing levels, Ms. Henkel reported, there were seven vacant positions in the Facility, one employee on Disability and one employee on Maternity Leave. Ms. Henkel reviewed the salary comparison for 2010 versus 2009 and mentioned the main reason the salaries remained under the amount budgeted was due to the number of vacant positions.

This concluded the Westmount Health Facility portion of the meeting. Ms. Henkel and Ms. Bartholomew exited the meeting and the representatives from the Health Services Department entered the meeting at 9:48 a.m.

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

Ms. Auer requested the Point of Care Initiative update be deleted from the pending item list as it was resolved at the previous Committee meeting.

Ms. Auer requested to amend the current contract with Capital District Beginnings to allow for the provision of educational program services, for a term commencing November 22, 2010, at rates to be paid on a monthly basis at the New York State Education Department approved rates upon receipt of required documentation. She advised there was a program available in Saratoga for hearing impaired children and there was currently one child in need of the service.

Motion was made by Mr. Loeb, seconded by Mr. McDevitt 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 November 19, 2010 Board meeting.*

Ms. Auer stated a report on monthly Emergency Preparedness Activities was included in the agenda packet and she announced that notification had been received that Warren County Health Services would be awarded an additional \$25,000 in Emergency Preparedness grant funding.

Ms. Auer requested acceptance of the Corporate Compliance Policy for Warren County Health Services as per the draft distributed at the previous Committee meeting with the addition of JoAnn McKinstry, Assistant to the County Administrator, as the County Corporate Compliance Officer. Mr. Loeb opined the tone of the Policy was positive as opposed to punitive.

Motion was made by Mr. McDevitt and seconded by Mr. Thomas to accept the Corporate Compliance Policy for Warren County Health Services, as presented.

Ms. Auer asked Patricia Nenninger, Second Assistant County Attorney, to explain the function and need for the Corporate Compliance Policies required by the Office of Medicaid Inspector General. Mrs. Nenninger distributed copies of the Warren County Corporate Compliance Policy to the Committee members; *a copy of same is on file with the minutes.* She explained there were several components of the compliance requirements which included separate compliance policies for the Health Services Department and Westmount Health Facility as well as a County Corporate Compliance Policy. She apprised the department policies were required to be used on a continuing basis and needed to be understandable to those who were required to follow the policies. She stated the policies provided opportunities within the County for employees to prevent fraud and abuse in health care provider systems.

Mrs. Nenninger advised that the Supervisors of the Health Services Committee had an educational requirement on a yearly basis to understand and be familiar with the laws pertaining to health care provider systems. She said that at the previous Committee meeting Barbara Taggart, Administrator of Westmount Health Facility, had reviewed their Corporate Compliance Policy which had been updated the previous year. This year, she continued, Ms. Auer had re-written and brought up-to-date the Corporate Compliance Policy for Warren County Health Services. Mrs. Nenninger advised that since the County had multiple providers it was necessary to have a County Corporate Compliance Policy in place. She added the County Corporate Compliance Policy summarized the requirements as a county for the implementation by departments of these requirements under the law.

Mrs. Nenninger read the following excerpt from the County Corporate Compliance Policy for the record:

Warren County is committed to the prevention and detection of any fraud, waste and abuse related to Federal and State health care programs (Medicaid, Medicare and other governmental payer programs), and the protection of any "whistle blower".

Mrs. Nenninger said that in order to assist the Departments with Corporate Compliance, a County Corporate Compliance Officer was designated and a County Corporate Compliance Committee was established. She reiterated that Mrs. McKinstry was designated as the County

Corporate Compliance Officer and the County Corporate Compliance Committee would consist of the individual Department Compliance Officers and the County Compliance Officer and they would meet on a quarterly basis to ensure they remained current on policies and updates. She noted this was a continuing process and the Office of Medicaid Inspector General had made it very clear that the enforcement of these provisions was a top priority. She advised the County Compliance Officer would have an obligation on a quarterly basis to present her findings to the County Administrator.

Mr. Loeb requested the County Corporate Compliance Policy be accepted at the next Committee meeting to allow the Committee members an opportunity to review the document.

Mr. Sokol called the question and the motion was carried unanimously to accept the Corporate Compliance Policy for Warren County Health Services. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the November 19, 2010 Board meeting.*

Returning to the agenda review, Ms. Auer advised, notification had been received pertaining to a 1.1% reduction in New York State grant funding and a report of the estimated reduction per program was included in the agenda packet. Tawn Driscoll, Fiscal Manager of the Health Services Department, stated a report on Revenues and Expenditures for 2010 as of October 19, 2010 was included in the agenda packet. She noted the Department was within budget and there was a 6.55% reduction in the amount expended on salaries as compared to 2009. She added the State continued to withhold the ability to bill Medicaid services from July 2009 until present.

Regarding the notification of 1.1% reduction in New York State grant funding, Ms. Driscoll stated the total reduction was unknown as it would be based on the vouchers that were submitted. She advised the amounts of reduction listed in the agenda packet were estimates and noted the reduction would effect vouchers submitted between September 16, 2010 and March 31, 2011.

Ms. Driscoll reminded the Committee that she had reported at the last Committee meeting that they had received notification from the State that the EI (Early Intervention) Program, for which they billed the administrative and transportation portion to the DSS (Department of Social Services) at 50%, should be billed at 100% for children on Medicaid. She said the State had allowed billing to be submitted retroactively to July 2008 and a recalculation had determined that the Department would receive approximately \$59,228 in additional funds from the State. She explained that the retroactive billing had to be completed on behalf of the Health Services Department by the DSS no later than September 30, 2010. She said she had submitted the required documentation to the DSS on September 20, 2010; however, she added, the DSS had questioned the amount submitted and had not billed the State for the full amount. Due to the misunderstanding, she continued, \$11,961 in revenue was lost. She apprised the reason she was given for the full amount not being submitted was that the County Treasurer's Office had said the books for 2008 were closed. She stated the books were closed for appropriations; however, she added, it was her understanding that the books pertaining to revenues remained open. Ms. Driscoll apprised she had contacted the State and had determined the County could still submit bills retroactive to October 2008.

Discussion ensued.

Chairman Monroe stated that grant programs were contracts and he questioned the legality of the State reducing the funding by 1.1%. Paul Dusek, County Attorney/Administrator, said he would review the contracts and he questioned if the 1.1% reduction was actually a temporary withholding of the funds. He advised the State mandated the programs and had an obligation to provide the funding. By withholding the funding, he continued, the burden of the cost of the programs was transferred to the local taxpayers. Ms. Auer noted the County sponsored the WIC (Women, Infants and Children) Program with the understanding that it was a fully grant funded, 100% reimbursable program. Chairman Monroe mentioned there was a 2% reduction in State funding in 2009 and he asked if there had been a reimbursement of the 2%, to which Tammie DeLorenzo, Clinical & Fiscal Informatics Coordinator, replied that she did not believe it was received. Ginelle Jones, Assistant Director of Public Health Division, said she wrote the grant applications and she believed there was some leeway on the State's behalf pertaining to the amount of funding; however, she added, she felt the reductions were unfair as the work was being completed, above and beyond the grant requirements. She advised the requirements of the programs were not being reduced along with the reduced amount of reimbursement. She apprised in January the State usually issued cost of living increases on grant awards which had to be expended in a short period of time. She said they were being notified of the 1.1% reduction now; however, she noted, in the beginning of 2011 it was possible they would receive notification of additional funds that would need to be expended quickly.

Ms. Auer asked Mr. Dusek if there was anything that should be completed pertaining to the reduction. Mr. Dusek responded the contracts should be reviewed to determine if there was any violation and if a violation existed, a letter should be sent to demand that the State cease withholding the grant funds. He opined that the State issuing funds at the end of a grant and requiring them to be expended quickly showed a lack of planning.

Ms. Auer said a report on free and reduced care was included in the agenda packet.

Ms. Driscoll requested a transfer of funds between various codes totaling \$22,700 in order to balance the budget for the end of the year. She reviewed the transfer requests and noted they would cover the cost of sick leave incentives, salaries, medical supplies and equipment. Ms. Auer noted that Mr. Loeb had inquired as to why a copy of the Request for Transfer of Funds form was not included in the Committee members agenda packet. She responded that she usually did not include the form; however, she added, she would do so in the future.

Motion was made by Mr. Thomas, seconded by Mr. McDevitt 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.*

Ms. Auer requested an executive session to discuss matters pertaining to labor negotiations.

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

Executive session was declared from 10:24 a.m. to 10:52 a.m.

Committee reconvened.

Pursuant to the executive session, motion was made by Mr. Loeb, seconded by Mr. McDevitt and carried unanimously to authorize distribution of an annual \$1,500 stipend to the hourly pay rate of nurses in the Health Services Department who commit, in writing, for a six-month period to taking after hours on-call shifts and to forward same to the Personnel Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Dusek noted the stipend had been in effect since 2002 and the change would be to pay the stipend as an hourly rate during the period of commitment, as opposed to dividing the amount into 26 pay periods.

As there was no further business to come before the Health Services Committee, on motion made by Mr. Loeb and seconded by Mr. Thomas, Mr. Sokol adjourned the meeting at 10:53 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist