

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **WESTMOUNT HEALTH FACILITY & COUNTRYSIDE ADULT HOME**

DATE: **December 1, 2006**

Committee Members Present:

Supervisors Tessier
Champagne
Mason
Geraghty

Committee Member Absent:

Supervisors Haskell
O'Connor

Vacant: Town of Queensbury

Others Present:

Representing Westmount Health Facility:
Hal Payne, Administrator
Betsy Henkel, Westmount Health Facility
Comptroller
Paul Dusek, County Attorney
Joan Sady, Clerk of the Board
JoAnn McKinstry, Secretary to Commissioner of
Administrative & Fiscal Services
Supervisor F. Thomas
Maury Thompson, *The Post Star*
Debra L. Schreiber, Legislative Office Specialist

In the absence of the Committee Chairman, Vice Chairman Tessier called the meeting to order at 11:17 a.m.

Motion was made by Mr. Mason, seconded by Mr. Champagne, and carried unanimously to approve the minutes of the October 20, 2006 Westmount Health Facility and Countryside Adult Home Committee Meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Mr. Payne, Administrator, who distributed copies of his agenda packet to members of the committee, a copy of which is on file with the minutes.

Commencing with Item 1 of the Countryside Adult Home agenda, Mr. Payne reported there were no sewer odors inside the building although there were still a few odors on the outside of the building. Based upon the design of the new system, he said the holding tank was located closer to the building, which was possibly causing the periodic smell.

Paul Dusek, County Attorney, entered the meeting at 11:19 a.m.

With respect to Item 2 of the agenda, Mr. Payne requested to extend the contract with Hudson Headwaters Health Network for a physician to perform medical services at Countryside Adult Home commencing January 1, 2007 through December 31, 2008 in the amount of \$22,270.18, which included a 3% increase each year. He stated these funds were in the Countryside Adult Home budget.

Motion was made by Mr. Champagne, seconded by Mr. Geraghty and carried unanimously approving the request as submitted and the necessary resolution was authorized for the December board meeting. A copy of the resolution request form is on file with the minutes.

Continuing on with Item 3 of the Countryside Adult Home agenda, Mr. Payne requested to transfer funds within his department in the amount of \$16,058, due to a shortfall of funds.

Motion was made by Mr. Geraghty, seconded by Mr. Mason and carried unanimously authorizing the request as submitted and refer same to the Finance Committee for consideration. A copy of the resolution request form is on file with the minutes.

Relative to Item 4 of the agenda, Mr. Payne requested to amend the County budget increasing the Westmount budget in the amount of \$31,880, due to a lack of funds in the sick leave incentive code. Mr. Payne commented that \$20,000 was taken from a Countryside Adult Home account for the replacement of the septic system that had not been repaid.

Motion was made by Mr. Geraghty and seconded by Mr. Mason to amend the County budget to cover the shortfall as outlined above, in the amount of \$31,880.

In response to an inquiry by Mr. F. Thomas, Mr. Payne responded the Department of Social Services (DSS) provided the accounting services and Countryside Adult Home managed the account.

After discussion, Mr. Tessier called the question and the motion was carried unanimously approving the request as submitted and refer same to the Finance Committee for consideration. A copy of the resolution request form is on file with the minutes.

Commencing with the Westmount Agenda, Item 1, Mr. Payne reported after reviewing the agreement with other nursing homes and B.O.C.E.S. (Board of Cooperative Educational Services) for C.N.A. (Certified Nursing Assistants) training, Paul Dusek, County Attorney, determined it was not viable for the County. In essence, Mr. Dusek explained, the County would be giving a gift in hopes of these people becoming employed at the facility.

With respect to Item 2, Mr. Payne stated his department transferred \$45,000 for the purchase of a 2006 Ford bus, which was under New York State (NYS) contract; however, the bid that came in was approximately \$40,000 but they still needed to have it decaled.

Continuing on with the next item on the agenda, (Item 3) Mr. Payne indicated he attended the annual American Association of Homes and Services Association (AAHSA) conference in San Francisco, California. He said he was there as a monitor/moderator and attached a summary of his experience. Furthermore, he wished to thank the committee for allowing him to attend the conference.

Relative to the Enforcement Action, Item 4, Mr. Payne deferred comment to Mr. Dusek. In a recent survey conducted by the Department of Health (DOH), he said, the State of New York claimed the Westmount Health Facility violated the use of bed rails and indicated they could fine the County up to \$2,000 but agreed to settle the matter for \$1,000. He stated the facility was in a no-win situation with the families, residents and the State and therefore, he said he recommended settling this matter for \$1,000.

Motion was made by Mr. Champagne and seconded by Mr. Geraghty approving the recommendation as outlined above.

In response to an inquiry by Mr. Mason whether the County could appeal this claim, Mr. Dusek explained the entire process if the County disputed the violation; however, he said, the end result would probably be the same. Mr. Payne indicated there were funds within his budget to pay the fine.

After discussion, Mr. Tessier called the question and the motion was carried unanimously, and the necessary resolution was authorized for the December Board Meeting. A copy of the resolution request form is on file with the minutes.

Continuing on with Item 5, Mr. Payne asked Mr. Dusek to offer his recommendation to the committee relative to charging off bad debts. Mr. Dusek related this item was originally referred to the County Attorney's Office as a collection matter against two private pay residents totaling \$9,120. He said the insurance company paid the entire bill except for the co-pay; however, he stated, his Office had been informed that a staff member of the Westmount Health Facility advised the patients they were not responsible for the co-payments. Therefore, Mr. Dusek suggested charging these funds off as bad debts.

In response to an inquiry by Mr. Champagne whether this individual was still employed by the County, Mr. Dusek answered affirmatively. In defense of this individual, Mr. Payne said he believed it was all in the wording and how the patients comprehended the conversation. Mr. Champagne and Mr. Geraghty asked whether the responsibility of fees were in the written agreement executed by the patient. The agreement specifically stated who was responsible for the co-payments, stated Mr. Dusek, but the patient was repeatedly told they did not owe these funds. Mr. Payne indicated these two patients were no longer residents at Westmount Health Facility. Based upon personal experience, Mr. Dusek articulated that this particular employee was extremely knowledgeable and probably got caught up making representations on behalf of the Facility, which would cause the County to lose the funds. Mr. Payne explained this particular employee was an advocate on behalf of the residents of Westmount Health Facility and because he felt it was a conflict, he said they had decided to shift the responsibility of patient finances.

Motion was made by Mr. Geraghty, seconded by Mr. Champagne and carried unanimously approving the request to write off these particular residents' accounts. A copy of the resolution request form is on file with the minutes and the necessary resolution was prepared for the December Board meeting.

Mr. Payne indicated the *Report of Commission on Health Care Facilities in the 21st Century* became public on Monday, November 27, 2006. While there were no hospitals or nursing homes affected in the northern region, he said Albany would lose one County facility and another would be downsized, losing a total of 345 beds. Approximately 25 years ago, he commented, New York State closed many psychiatric facilities that left these individuals either homeless or inmates in the County jails and now they were attempting to become residents of nursing homes; however, no one would accept them because they had behavioral problems. Statewide, he said, 14 hospitals would close losing a total of 3,068 beds in an effort to reduce medicaid costs.

Referring to Item 7, Mr. Payne stated Ecolab visited the Westmount Health Facility on a monthly basis to check the laundry chemicals and was happy to report their facility produced the "nicest

quality linen in the area and the staff should be commended”.

With respect to Item 8, transfer of funds, privilege of the floor was extended to Betsy Henkel. Ms. Henkel requested the following transfers to cover shortfalls within the Westmount budget:

- ✓ Sick Leave Incentive totaling \$7,840;
- ✓ Purchase of a printer, \$130; and
- ✓ Shortfall in various codes \$13,430.

Motion was made by Mr. Mason and seconded by Mr. Geraghty approving the requests as presented.

In reviewing the transfer requests, Mr. Champagne commented either there was too high of an average of those employees receiving the sick leave incentive or the County over budgeted. Mr. Payne responded of the 100 Westmount Health Facility employees, 19 individuals received the sick leave incentive. With respect to Countryside Adult Home, he said 12 of the 38 total employees received the same sick leave incentive.

After discussion, Mr. Tessier called the question and the motion was carried unanimously approving the requests as submitted and refer same to the Finance Committee for consideration. Copies of the resolution request forms are on file with the minutes.

Continuing on with Item 9, Mr. Payne requested a contract with McCarthy & Conlon, LLP, to provide auditing services for Westmount Health Facility, commencing January 1, 2007 and terminating December 31, 2009, in the amount of \$13,000, \$13,500 and \$14,000 respectively. In addition, he said he would like to reserve the right to extend the contract for two additional years.

Motion was made by Mr. Mason, seconded by Mr. Champagne and carried unanimously approving the request as submitted, and the necessary resolution was prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Payne requested an extension of the contract with ACS Services Bureau, to provide medicare billing, commencing January 1, 2007 and terminating December 31, 2007, in the amount of \$4,284.

Motion was made by Mr. Geraghty, seconded by Mr. Mason and carried unanimously approving the request as submitted, and the necessary resolution was authorized for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Payne requested an extension of the existing contract with Lori A. Girard, Registered Dietician, commencing January 1, 2007 and terminating December 31, 2007, in the amount of \$31 per hour. He noted Ms. Girard was also the dietician for the Countryside Adult Home and anticipated combining the two contracts.

Motion was made by Mr. Geraghty, seconded by Mr. Champagne and carried unanimously approving the request as submitted and the necessary resolution was prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Payne requested an extension of the existing contract with Dr. S. Richard Spitzer for two years, commencing January 1, 2007 and terminating December 31, 2008, with an annual salary of \$6,000. He noted the increase was a result of the rise in malpractice insurance.

Motion was made by Mr. Geraghty, seconded by Mr. Champagne and carried unanimously approving the request as submitted and the necessary resolution was authorized for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Payne requested an extension of the existing contract with B & L Control Services, who maintained the chemicals in the heating/cooling system, commencing January 1, 2007 and terminating December 31, 2008 in the amount of \$2,487.45.

Motion was made by Mr. Mason, seconded by Mr. Geraghty and carried unanimously approving the request as submitted and the necessary resolution was authorized for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Payne requested an extension of the existing contract with AMC New York, Inc., who provided pharmaceutical services, commencing January 1, 2007 and terminating December 31, 2009, to be paid monthly.

Motion was made by Mr. Mason, seconded by Mr. Champagne and carried unanimously approving the request as submitted and the necessary resolution was authorized for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Referring back to the resolution involving B & L Control Services, Mr. Champagne asked what services they provided and Mr. Payne responded this company provided the treatment of the water in the heating/cooling system, as well as the air handlers. The services of B & L were different from Siemens Building Technologies, he stated; however, Siemens would probably assume this responsibility for an additional cost. Mr. Champagne asked Mr. Payne to inquire of Siemens whether they would perform the services currently being performed by B & L Control Services. Mr. Payne suggested tabling the resolution until next month so he could research that option.

After discussion, the general consensus of the committee was to table the resolution involving B & L Control Services.

Mr. Payne requested an extension of the existing contract with Summit Imaging Corp., to provide diagnostic imaging services for residents, commencing January 1, 2007 and terminating upon 30 days notice to discontinue, with no cost to Westmount Health Facility.

Motion was made by Mr. Mason, seconded by Mr. Geraghty and carried unanimously approving the request as submitted and the necessary resolution was authorized for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Continuing on with Item 10 of the Agenda, Mr. Payne advised the barber/beautician fees would be increased by \$1. He stated the families and residents had been notified there would be an increase in barber/beautician fees, \$6 and \$7 per haircut respectively.

After reviewing the end of the year paperwork, Mr. Payne apprised they requested to amend the existing Capital Project (H270.9550 280) in the amount of \$125,000 to purchase the second air handler. He said a Capital Project was originally established utilizing funds from other capital projects to purchase the first air handler and Mr. Lamy offered the contact person for the second air handler. Ms. Henkel explained that she had been able to locate the funds within the Westmount budget to pay for this purchase.

Motion was made by Mr. Geraghty, seconded by Mr. Mason and carried unanimously approving the request to amend the existing Capital Project as outlined above, and refer same to the Finance Committee for consideration. A copy of the resolution request form is on file with the minutes.

Mr. Payne stated all .44 accounts, which included training, certification and travel, were eliminated from the 2007 budget. He said they were mandated by the State of New York to pay the \$40 recertification fee every two years for the 60 CNA's (Certified Nursing Assistants) that were currently on the payroll at the Westmount Health Facility and the Countryside Adult Home. Mr. Champagne suggested waiting until the 2008 budget.

With respect to Items 11 and 12 of the Agenda, Mr. Payne advised the overtime/staffing reports were attached for the committee to review. He commented they were short three CNA's and hired two individuals who would commence employment in two weeks. When negotiations begin, Mr. Payne encouraged the committee to review the vacation clause for newly hired employees.

For the past five years, Mr. Payne explained the County had a contract with SWBR, the architects that were involved in the adult day care project, which was sitting on a desk in Albany due to a moratorium on any new contracts. He said the County must either extend the contract for another year or cancel and liquidate the account. Ms. Henkel apprised \$15,000 had already been spent of the \$49,500 project and then they ceased operations. Mr. Champagne suggested canceling the contract and renew it upon New York State approving the project.

Motion was made by Mr. Tessier, seconded by Mr. Geraghty and carried unanimously approving the request to cancel the contract with SWBR as outlined above.

There being no further business to come before the Committee, on a motion by Mr. Champagne and seconded by Mr. Mason, Mr. Tessier adjourned the meeting at 12:00 p.m.

Respectfully submitted,

Debra L. Schreiber
Legislative Office Specialist