

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES

DATE: DECEMBER 2, 2011

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS SOKOL
THOMAS
CHAMPAGNE
TAYLOR
MCDEVITT

REPRESENTING WESTMOUNT HEALTH FACILITY:
BARBARA TAGGART, ADMINISTRATOR
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
DANIEL G. STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS KENNY
STRAINER
WOOD
WILLIAM MASON, SUPERVISOR-ELECT, TOWN OF QUEENSBURY
DON LEHMAN, *THE POST STAR*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Sokol called the meeting of the Health Services Committee to order at 9:33 a.m.

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

Commencing the agenda review, Ms. Taggart requested to amend Resolution No. 529 of 2011, which authorized an agreement with VOHRA Wound Physicians to provide wound care to the residents at Westmount Health Facility, in order to change the name from VOHRA Wound Physicians to VOHRA Health Services, P.A.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor 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 December 16, 2011 Board meeting.*

Ms. Taggart requested a contract with Mahoney Notify-Plus, Inc. to provide semi-annual testing and inspections of the fire, sprinkler and security alarms at Westmount Health Facility for a term commencing March 1, 2012 and terminating February 28, 2013 in an amount not to exceed \$1,500 plus an additional amount not to exceed \$1,000 for emergency repairs. Paul Dusek, County Administrator, asked if the additional \$1,000 would be used on an as-needed basis for emergency repair and Ms. Taggart replied affirmatively.

Motion was made by Mr. McDevitt, 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 December 16, 2011 Board meeting.*

Ms. Taggart requested to close Capital Project No. H270.9550 280, Air Handler Installation (Westmount). Mr. Champagne asked if the project had been successful and Ms. Taggart replied affirmatively.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to approve the request to close the Capital Project as outlined above and to forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart requested a transfer of funds between various accounts totaling \$10,350 to reflect the cost of unbudgeted sick leave incentive, an increase in prescriptions due to additional Medicare residents and health insurance for a retired employee. Mr. McDevitt asked if a retired employee was entitled to a cash incentive if they elected not to take advantage of the health insurance and Mr. Dusek replied in the negative.

Motion was made by Mr. Taylor, seconded by Mr. Thomas and carried unanimously to approve the request for a transfer of funds as outlined above 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. Taggart requested a contract with McCarthy & Conlon, LLP for analysis of three Medicare Advantage contracts with regards to a recommended desired rate level per contract at an amount not to exceed \$500 per contract (\$1,500). She noted the three contracts were from Blue Shield of Northeastern New York, Senior Whole Health of New York, Inc. and New York State Catholic Health Plan, Inc. d/b/a Fidelis Care New York. She explained it was mandated beginning in 2013 to have Managed Care Contracts with the three companies for the residents of Westmount and McCarthy & Conlon, LLP could assist in obtaining the best possible rates. She pointed out the hourly rate for McCarthy & Conlon, LLP was \$180; however, she added, they would charge Westmount Health Facility a rate of \$90 per hour for this service. Mr. Sokol asked if the analysis would be required on a yearly basis and Ms. Taggart replied in the negative.

Following a brief discussion, motion was made by Mr. Thomas, 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 December 16, 2011 Board meeting.*

Ms. Taggart requested a resolution to adopt the Compliance Manual and to authorize the Administrator of Westmount Health Facility to electronically file Compliance Certification with the Office of the Medicaid General (OMIG). She noted Corporate Compliance In-Service Training for the Committee was required and she requested Betsy Henkel, Comptroller and Corporate Compliance Officer, to complete same.

Ms. Henkel reviewed the following in detail with the Committee members:

FUNCTION OF CORPORATE COMPLIANCE: The compliance committee was established to assure that Westmount's operations are being conducted in compliance with applicable law and the highest ethical standards. Because a significant portion of Westmount's services are reimbursed through governmental programs which require that Westmount's business is conducted with complete integrity.

Ms. Henkel added this was set forth by the Office of Inspector General and pointed out the governmental programs referred to Medicare and Medicaid.

MEMBERS OF THE COMMITTEE:

*Barbara Taggart/Administrator
Susan Bartholomew/Director of Nursing
Dr. Roslyn Socolof/Medical Director
Shanna Baeulieu/MDS Coordinator
Betsy Henkel/(officer) Comptroller
Mary Hilliard/Admissions Coordinator*

Ms. Henkel listed the seven standards of conduct, as follows: Resident Care and Resident Rights; Referrals; Billing and Claims; Non-Discrimination in Resident Services and Charges; Confidentiality; Business Entertainment/Gifts; and Conflicts of Interest.

STANDARDS OF CONDUCT:

RESIDENT CARE AND RESIDENT RIGHTS: Westmount has developed policies and procedures to ensure quality of care and the protection and promotion of resident rights.

- Comprehensive assessment of each resident is conducted in accordance with federal and state laws and regulations.*
- All resident plans of care are developed by the interdisciplinary team based on assessment with the MDS. This includes measurable objectives and goals to meet the resident's medical, nursing, mental and psychosocial needs.*
- Residents are free from verbal, mental, sexual or physical abuse, corporal punishment or involuntary seclusion.*

REFERRALS: Federal and state law prohibit Westmount from soliciting or accepting or offering or paying for referrals.

- Receiving free goods or services from a vendor in exchange for the purchase of other goods/services.*
- The offering or making gifts, loans of any kind to an entity that is a prospective referral source.*

BILLING AND CLAIMS: The facility has an obligation to its residents, third party payers and the state/federal agencies to exercise diligence when submitting claims for payment. Some risk areas include:

- Claiming reimbursement for services not rendered.*
- Filing duplicate claims.*
- Up coding to a higher RUG's score.*
- Billing for services not medically necessary.*
- Failing to provide medically necessary services.*
- Billing excessive charges.*

NON-DISCRIMINATION IN RESIDENT SERVICES AND CHARGES: We can't discriminate in the admission, retention and care of residents based on race, color, blindness, national origin, sex, sexual preference, religion and sponsorship/payment.

CONFIDENTIALITY: Resident information must be kept confidential. Discussing a resident's medical condition or providing any information about to anyone other than facility personnel, interdisciplinary team and authorized representatives is a violation.

Ms. Henkel added that the Confidentiality Standard of Conduct was also a HIPAA (Health Insurance Portability and Accountability Act) requirement.

BUSINESS ENTERTAINMENT/GIFTS: Employees should not receive any gift under circumstances that could be construed as an improper attempt to influence Westmount's decisions/actions.

Ms. Henkel noted an example of an improper gift would be cash. She said there had been occasions where a family member showed their appreciation for the care of their relative by attempting to give an employee a cash gift, particularly during the holidays. She added the employee was required to report the cash gift to the Corporate Compliance Officer and the cash would be placed in the resident donation account. An acceptable gift, she continued, would be flowers or baked goods which could be enjoyed by the whole Facility.

CONFLICTS OF INTEREST: No employee should place themselves in a situation where their personal interests might conflict with the interests of Westmount.

- *Another job will not interfere with the effect/performance of your duties at Westmount.*
- *No employee should have financial interests in a firm/entity which is doing or seeking to do business with Westmount.*
- *No employee will compete with Westmount by selling or offering to sell services or products similar to this offered by Westmount.*
- *No employee may use Westmount's assets for personal benefit.*

PROCEDURES TO HELP STAY IN COMPLIANCE:

- *Initial and annual training*
- *Periodic training*
- *Ongoing communication and changes in compliance manual*

REPORTING REQUIREMENTS:

- *To report a violation; you may notify the compliance officer either in writing or verbally.*
- *Westmount will investigate any suspected violation and take necessary action. These investigations may be conducted by the officer or externally (lawyers).*

MANUAL CHANGES:

- *Employees are free from discrimination when making a complaint or filing a violation.*

Ms. Henkel pointed out there were posters displayed throughout the Facility with the phone and fax number for reporting a violation. She noted all reports were confidential.

Motion was made by Mr. Champagne, seconded by Mr. Taylor and carried unanimously to adopt the Compliance Manual and authorize the Administrator of Westmount Health Facility to electronically file Compliance Certification with the Office of the Medicaid General. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Taggart reported the Facility had one vacant RN (Registered Nurse) position and five vacant CNA (Certified Nursing Assistant) positions and added there were two CNA's on light duty and one LPN (Licensed Practical Nurse) out on Worker's Compensation. She noted interviewing for the vacant positions was ongoing and the selection process was particular. Mr. Dusek expressed his concern with the number of vacant CNA positions. He added the vacant positions would require outside nursing agencies or overtime in order to properly staff the Facility. Another concern, he continued, was the stress placed on the existing employees due to the vacancies, as well as appropriate

resident care. Susan Bartholomew, Director of Nursing, pointed out there had been seven vacant CNA positions reported at the previous Committee meeting. She added two new CNA's had been hired since that time and there were positions being offered to an additional two CNA's, which would decrease the number of vacant CNA positions to three. She advised the coverage for the vacancies was being accomplished with Per Diem CNA's. She pointed out the vacancies were all on the 3:00 p.m. to 11:00 p.m. shift and added the other two shifts were fully staffed.

Mr. McDevitt questioned if it were possible to increase the salary of CNA's for the 3:00 p.m. to 11:00 p.m. shift in order to fill the vacancies. Mr. Dusek responded there was a shift differential of 5% for the 3:00 p.m. to 11:00 p.m. shift and 10% for the 11:00 p.m. to 7:00 a.m. shift. Ms. Bartholomew pointed out there were several Per Diem CNA's who were available to cover the 3:00 p.m. to 11:00 p.m. shift who did not wish to commit to a full time position. Mr. Dusek asked if all possible efforts were being made to fill the vacancies and Ms. Bartholomew replied affirmatively and added she felt it was a matter of competition with private nursing facilities. Mr. Dusek asked if the CNA salaries at Westmount Health Facility were competitive and Ms. Taggart replied affirmatively but added that other area nursing facilities offered a financial incentive for accepting a position. Mr. Dusek asked if a financial incentive would help Westmount in filling the vacancies. Mr. Champagne asked if it was legal for the County to offer a financial incentive and Mr. Dusek replied he would need to research the issue, which would need to be included in the union negotiations.

Discussion ensued.

Pertaining to the Overtime Report, Ms. Taggart stated the year-to-date salaries reflected a decrease of \$82,595.24, compared to the same time period in 2010. Ms. Henkel advised she anticipated being under budget for salaries at the end of the year.

Ms. Taggart noted a Holiday Activities Calendar and a Westmount Health Facility tri-fold brochure had been included in the agenda packet. In answer to a question pertaining to the production of the brochure, Ms. Taggart replied it had been produced in-house by the Facility's Social Worker.

This concluded the Westmount Health Facility portion of the Committee meeting and the Health Services portion of the meeting commenced at 10:14 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.*

Commencing the agenda review, Ms. Auer requested to renew the contract with North Country Home Aides to provide paraprofessional services (home health aides) for the Certified Home Health Agency (CHHA) and Long Term Home Health Care (LTHHC) Program for a term commencing January 1, 2012 and terminating December 31, 2012, at a rate of \$25.86 per hour.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to approve the request as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Auer requested to renew the agreements with ENS Health Care Management, LLC, d/b/a Interim Health Care of New York and Visiting Nurse Association of Albany Home Care Corporation to provide paraprofessional services (home health aides, personal care aides and housekeeping services) for the CHHA and the LTHHC Program for a term commencing January 1, 2012 and terminating

December 31, 2012. She noted there had been no increase to the cost of either contract for the last couple of years and the requested increases for 2012 were outlined on the agenda.

Motion was made by Mr. McDevitt, seconded by Mr. Champagne and carried unanimously to approve the request as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Auer requested to renew the agreement with Greater Adirondack Home Aides, Inc. to provide paraprofessional services for patients in the CHHA and the LTHHC Program with no increase in rates. She noted this company had the highest number of available Aides and were the most expedient.

Following a brief discussion, motion was made by Mr. Taylor, seconded by Mr. Thomas and carried unanimously to approve the request as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Auer requested to extend the current agreement with Adirondack Health Institute to allow continued assistance in maintaining the Community Health Assessment Data as per the current agreement for a term commencing January 1, 2012 and terminating December 31, 2012 in an amount not to exceed \$5,000.

Motion was made by Mr. Thomas, seconded by Mr. Taylor and carried unanimously to approve the request as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Auer requested to amend the contract agreement with Hudson Headwaters Health Network (HHHN) in order to delete the expense of the Medical Director of Pediatrics in the amount of \$2,500 per year. She advised she had discussed the change with Dr. Larson who had assured her there would be no issue with HHHN continuing to provide pediatric consultations.

Motion was made by Mr. McDevitt, seconded by Mr. Thomas and carried unanimously to approve the request as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Auer requested to renew the agreement with Health Research, Inc., a subcontractor for the New York State Department of Health (NYS DOH), to allow receipt of continued funding for the Emergency Response and Preparedness Program in the amount of \$50,000 for the grant period of August 10, 2011 through August 9, 2012.

Motion was made by Mr. Champagne, seconded by Mr. McDevitt and carried unanimously to approve the request as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the December 16, 2011 Board meeting.*

Ms. Auer requested a transfer of funds between various accounts totaling \$13,986 in order to balance the budget for the end of the year. Tawn Driscoll, Fiscal Manager, explained the transfers were being requested to cover anticipated expenses through the end of the year.

Motion was made by Mr. Taylor, seconded by Mr. Thomas and carried unanimously to approve the request for a transfer of funds as outlined above 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 to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$4,238 to reflect the receipt of ARRA (American Recovery and Reinvestment Act) Grant funding from the NYS DOH to purchase supplies and equipment for the Immunization Program.

Motion was made by Mr. Champagne, seconded by Mr. Taylor and carried unanimously to approve the request to amend the 2011 County budget as outlined above and to forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Auer requested to appoint and reappoint members of the Local Early Intervention Coordinating Council and the Warren County Health Services Professional Advisory Committee for a term commencing January 1, 2012 and terminating December 31, 2012. She noted the lists of members for both committees were included in the agenda packet.

Motion was made by Mr. McDevitt, seconded by Mr. Thomas and carried unanimously to approve the request as outlined above. *Copies of the resolution request forms are on file with the minutes and the necessary resolutions were authorized for the December 16, 2011 Board meeting.*

Ms. Auer pointed out that a Report on Monthly Emergency Preparedness Activities had been included in the agenda packet.

Ms. Driscoll reviewed the Report of Revenues and Expenditures for 2011 as of November 30, 2011 for the Committee members; *a copy of same is on file with the minutes.* She noted it was not anticipated that the amount received from the Contractual Codes (.4's) would meet the amount budgeted for the year. She said revenues were not anticipated to meet the amount budgeted but expenses would also be less than budgeted. She added additional revenues were anticipated for the Preschool, CHHA and Long Term Care (LTC) Programs. She reported the year-to-date salaries reflected a decrease of \$42,853.57 compared to the same time period for 2010.

Ms. Auer thanked Mr. Champagne for serving as a member of the Health Services Committee and said he would be missed in the future.

Mr. Sokol said it would be necessary to enter into an executive session to discuss the employment history of two particular persons.

Motion was made by Mr. Champagne, 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 10:29 a.m. to 10:43 a.m.

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

As there was no further business to come before the Health Services Committee, on motion made by Mr. Taylor and seconded by Mr. Champagne, Mr. Sokol adjourned the meeting at 10:43 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist