

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES

DATE: MARCH 4, 2013

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
CONOVER
TAYLOR
MCDEVITT

COMMITTEE MEMBER ABSENT:

SUPERVISOR FRASIER

OTHERS PRESENT:

REPRESENTING WESTMOUNT HEALTH FACILITY:

BARBARA TAGGART, ADMINISTRATOR
BETSY HENKEL, COMPTROLLER
KYLLE BAKER, 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

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD

PAUL DUSEK, COUNTY ADMINISTRATOR

JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR

JOAN SADY, CLERK OF THE BOARD

FRANK E. THOMAS, BUDGET OFFICER

SUPERVISORS KENNY

MASON

STRAINER

WOOD

JOHN STROUGH, COUNCILMAN, 3RD WARD, TOWN OF QUEENSBURY

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 9:33 a.m.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor 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 stated the first item was to provide an update regarding Cogeneration 2007 and 2008 interest appeals and she requested Betsy Henkel, Comptroller, to update the Committee members. Ms. Henkel informed there were appeals from 2007 through 2012 for the Cogeneration interest payments and depreciation. She advised that Medicaid reimbursed for interest and depreciation versus interest and principal; however, she continued, Medicaid had never reimbursed Westmount Health Facility for interest and had disallowed the depreciation. She said another nursing facility, Maplewood Manor, was having the same issue and had won a ruling in favor of their reimbursements. She reported the 2007 reimbursement for interest totaled \$112,000 and the 2008 interest totaled \$103,000, both of which should be received by the end of 2013. She noted that award of the 2007 and 2008 interest, opened the door to receiving the interest for 2009 through 2012 which would be processed by a separate office within Medicaid and would total approximately \$500,000 to \$600,000. Ms. Henkel stated she was hopeful all of the back interest would be received prior to the sale or lease of Westmount Health Facility;

however, she recommended Warren County's right to retain the reimbursement amounts be included in any sale or lease agreement. Mr. McDevitt asked if receipt of the 2007 and 2008 reimbursements was definite and Ms. Henkel replied affirmatively. Ms. Henkel advised she had spoken with the Facility's auditor, Michael McCarthy of McCarthy and Conlon, who felt the funds would be received by the end of this year.

Ms. Taggart requested authorization to fill vacant positions at Westmount Health Facility, as follows:

- ▶ Cleaner #2, annual base salary of \$23,706, Grade 2, Employee No. 1350, due to retirement after 33 years of service;
- ▶ Cleaner #5, annual base salary of \$23,706, Grade 2, Employee No. 5656, due to retirement after 33 years of service;
- ▶ Senior Account Clerk #2, annual base salary of \$29,031, Grade 7, Employee No. 9442, due to retirement after 16 years of service;
- ▶ Laundry Worker #2, annual base salary of \$23,706, Grade 2, Employee No. 6028, due to retirement after 24 years of service;
- ▶ Leisure Time Activity Aide #2, part-time (24 hours per week) annual base salary of \$14,529, Grade 3, Employee No. 10513, due to retirement; and
- ▶ Laundry Worker #3, part-time (20 hours per week), annual base salary of \$11,853, Grade 2, Employee No. 10513, due to a lateral transfer to a 24 hour per week position.

Ms. Taggart noted all six positions were Union positions which were not mandated but were 52% reimbursable from the State. Mr. Taylor asked if the positions had been reviewed by Paul Dusek, County Administrator, and Mr. Dusek replied he had not reviewed the positions in detail. Mr. Dusek added the two Cleaner positions were necessary to the Facility and he stated he would review the remaining positions prior to the Personnel Committee meeting. Mr. Sokol questioned the impact to the budget and Ms. Henkel replied there would be a savings to the budget as they would hire new employees at the base rates.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to approve the filling of the six vacant positions as outlined above and to forward same to the Personnel Committee. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

Ms. Taggart requested approval to create a new position of Keyboard Specialist, annual base salary of \$24,215, Grade 3, effective date of April 1, 2013 and to delete the position of part-time Clerk #2, annual base salary of \$11,853, Grade 2. She said the Keyboard Specialist would act as a receptionist in the business office and would answer the phones and complete various office duties. She opined that creating the position would ensure better customer service and help ease the transition of the Facility to a new owner by staying current with billing and accounts payable. Mr. Dusek noted he had reviewed this position in detail with Ms. Henkel and he felt the position was essential to the proper and professional operation of the Facility. He added this was a key position as this would be the office first seen by members of the public entering the building.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to approve the request to create the new position of Keyboard Specialist and delete the position of part-time Clerk #2 as outlined above; thereby amending the Department's Table of Organization and to forward same to the Personnel Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart requested to amend Resolution No. 634 of 2012 to change the name of the vendor from Airgas East, Inc. To Airgas USA, LLC. She also requested to charge off a balance due to Westmount Health Facility from deceased Resident No. 965 in the amount of \$4,690 due to a prior settlement. Ms. Taggart further requested to ratify the actions of the County Administrator in authorizing repair

of the ventilation system at Westmount Health Facility by Siemens Industry, Inc. and to authorize payment of the invoice submitted by Siemens Industry, Inc. for same. Mr. Taylor asked the amount of the invoice and Ms. Henkel replied \$518.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to approve the three requests as outlined above. *Copies of the resolution request forms are on file with the minutes and the necessary resolutions were authorized for the March 15, 2013 Board meeting. (Subsequent to the meeting it was determined that the resolution to amend Resolution No. 634 of 2012 would not be necessary as the resolution was amended to change the name of the vendor by Resolution No. 76 of 2013.)*

Ms. Taggart requested a contract with Mahoney Notify-Plus, Inc. to provide semi-annual testing and inspections of fire, sprinkler and security alarm systems at Westmount Health Facility for a term commencing March 1, 2013 and terminating February 28, 2014 in an amount not to exceed \$1,500 plus an additional amount not to exceed \$1,000 for emergency repair coverage. She noted the cost of the contract was included in their budget and there had been no prior increase in the contract for the last three years.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to authorize the contract with Mahoney Notify-Plus, Inc. as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 15, 2013 Board meeting.*

Ms. Taggart requested a contract with PNP Computer Services, Inc. for an annual software support agreement for a term commencing April 1, 2013 and terminating March 31, 2014 in an amount not to exceed \$5,880. She noted there was a savings of \$1,980 to the cost of the contract which was due to the elimination of the General Ledger software package.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to authorize the contract with PNP Computer Services, Inc. as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 15, 2013 Board meeting.*

Ms. Taggart requested to amend the current contract with Lori Girard, Registered Dietician, (Resolution No. 735 of 2011) to increase the weekly hours from 17 to 23 hours at a rate of \$32 per hour in an amount not to exceed \$38,272 annually. She said the cost of the increase had been budgeted and explained the increase in hours was due to an increase in documentation due to MDS (Minimum Data Set) requirements and a higher turnover in rehabilitation.

Following a brief discussion, motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to amend the contract with Lori Girard as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 15, 2013 Board meeting.*

Ms. Taggart presented a request for a transfer of funds totaling \$18,161 between various codes. Ms. Henkel explained the transfers were necessary to offset the salary for the newly created Keyboard Specialist position.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to approve the request for a transfer of funds as outlined above. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Ms. Taggart requested authorization for Pam French, Activities Supervisor, to attend the 10th Anniversary Social Service and Activities Conference in Saratoga, New York on March 21, 2013 using a County vehicle. She noted the cost of the Conference was \$260 and was included in the budget.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to authorize attendance at the Conference as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Ms. Taggart stated the next item on the agenda was the New York State Department of Health (NYS DOH) Plan of Correction. Kylie Baker, Director of Nursing (DON), reviewed the list of deficiencies and the plan of correction for each deficiency, resultant of the recent survey by the NYS DOH; *a copy of which is on file with the minutes.*

Ms. Taggart reported the Facility's vacant positions, as follows: the In-Service Coordinator position; the Registered Practical Nurse (RPN) #7 position; the Licensed Practical Nurse (LPN) #12 position; and the Floating Food Service Helper #1 and #8 positions.

Pertaining to the overtime report, Ms. Henkel informed there was a small savings in Regular Salaries due to the previously vacant DON position and vacant In-Service Coordinator position. She reported that overall the Facility was within budget.

Mr. Sokol stated they would postpone the discussion and review of the Requests for Proposals (RFP's) for privatization of Westmount Health Facility until the end of the meeting. Mr. Taylor asked the status of the contractual DON position and Mr. Dusek replied the last day of the contract would be March 15, 2013. Mr. Dusek added a decision had been made to continue the contract until March 15, 2013 due to the process for the NYS DOH Plan of Correction.

This concluded the Westmount Health Facility portion of the Committee meeting and the Health Services portion of the meeting commenced at 9:53 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 terminate the existing agreement with American Messaging to supply pagers to the Health Services Department with thirty days written notice per the contract and to obtain cell phones through the existing agreement between Warren County and Verizon. She explained the pagers were obsolete equipment which did not work in many areas of the County. She said she had worked with Scott McLaughlin, Telecommunications Analyst, to review the Department's needs and had developed a plan to replace the pagers with cell phones with an annual cost savings of approximately \$360. She commented the cell phones would be issued as County equipment and would be returned at the end of each work day. Mr. McDevitt asked about the cell phone coverage in the northern parts of the County and Ms. Auer replied the coverage was an improvement from that received with the pagers. Ginelle Jones, Assistant Director of Public Health Division, commented that with the pagers, if the employee was out of range the page would not be received; however, she continued, with the cell phones if the employee was in an area without coverage, they would be able to receive the voicemail once they were back in the coverage area.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to terminate the existing agreement with American Messaging and authorize the purchase of cell phones through

the Verizon agreement as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 15, 2013 Board meeting.*

Ms. Auer requested to extend the current agreement with Delta Health Technologies for Electronic Medical Record System services for a term commencing April 1, 2013 and terminating March 31, 2018 at the current contract rates. She noted the cost of system maintenance was \$4,941 per month and was budgeted under Data Processing Fees. She advised the system had been in place for five years and the Department was pleased with the product, updates and support received. She advised there would be an increased cost later this year when the system moved to a remote host site but the additional cost had been budgeted. Tammie DeLorenzo, Clinical & Fiscal Informatics Coordinator, explained the cost had originally been budgeted for 2012 but had been delayed until this year. She said they would need to replace the servers in order to move to a new operating system but since servers were replaced every five years, they were due for replacement anyway. Mr. Taylor asked if there would be any licensing costs and Ms. DeLorenzo replied that some of the current licensing costs would be eliminated but there would be licensing fees for the software on each laptop.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to extend the current agreement with Delta Health Technologies as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 15, 2013 Board meeting.*

Ms. Auer requested authorization to fill the vacant position of Community Health Nurse, annual base salary of \$44,547, Employee No. 9764, due to retirement and the soon to be vacant position of Community Supervising Nurse, Employee No. 8025, due to retirement on May 24, 2013. She said these were non-union positions which were not mandated or reimbursable; however, she added, the revenue generated by these positions more than covered the cost of the salaries. She stated there were a few employees who would be eligible to be promoted into these positions. She commented that she had discussed the positions with Mr. Dusek and determined that the Community Supervising Nurse salary would need to be determined based on the salary study. Mr. Dusek said he would review the position and would have a recommendation for the salary by the Personnel Committee meeting.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to approve the requests to fill the two vacant positions as outlined above and to forward same to the Personnel Committee. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

Ms. Auer requested to ratify the actions of the Chairman of the Board of Supervisors in signing an amendment to the CDPHP (Capital District Physician's Health Plan) Contract which had added language regarding Medicare Compliance training into the Medicare schedule of the contract agreement. She noted the amendment was requested by CDPHP and pertained to prompt pay language to ensure the settlement of claims, submission requirements, and clean claim definitions set forth in New York State Insurance Law 3224-a.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to ratify the actions of the Chairman of the Board as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 15, 2013 Board meeting.*

Ms. Auer requested to amend Resolution No. 303 of 2009 to increase the Petty Cash Fund from \$200 to \$250 to allow specific cash for change for the off-site clinics.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to amend Resolution No. 303 of 2009 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 amend the 2013 County budget to increase estimated revenues and appropriations in the amount of \$643 to reflect the anticipated expenses associated with CPR training classes.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to approve the request to amend the 2013 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.*

Pertaining to the Pending Item concerning updates on Certificates of Need (CON's) to establish new Certified Home Health Agencies (CHHA's), Ms. Auer stated there was no new information available at this time. Mr. Sokol asked if there was a deadline for applications and Ms. Auer replied there had been a deadline but it had been extended.

Ms. Auer pointed out the Report on Emergency Response and Preparedness Activities was included in the agenda packet.

Pertaining to the Report of Revenue and Expenditures for 2013, Tawn Driscoll, Fiscal Manager, noted the report reflected the current totals for 2013 and added the 2012 books had not yet been closed. She advised they were still awaiting 2012 Preschool revenues from the State and WIC (Women, Infants and Children) Food Voucher reimbursements. She projected the anticipated impact of the 2012 revenues would be approximately \$200,000 less than budgeted. Concerning the year-to-date salaries, Ms. Driscoll reported a savings of \$806.20 compared to 2012. A brief discussion ensued.

Ms. Auer stated an attachment was included in the agenda packet pertaining to the Early Intervention (EI) Program proposed changes and questions and she reviewed the attachment in detail with the Committee members. She said the proposed changes were scheduled to take effect on April 1, 2013. She apprised a proposed contract had been received which was required to be signed and returned within five days. She explained the proposal would involve a fiscal intermediary who would supposedly pay all of the bills for the Counties. She added the proposal also included a requirement to establish an escrow account to allow the State to draw funds as needed. She commented the proposal did not include a good plan for oversight. Ms. Auer stated the proposed changes would have a significant impact on providers who would need to submit their own billing and would be required to wait up to 90 days to receive payments. She noted some providers would need an additional contract with Medicaid. She said the intention of the proposed changes was to save the Counties money but she was unsure if this would be the outcome. Ms. Auer explained that after review by the County Attorney, she may request an out-of-Committee resolution to authorize the agreement for the March 15, 2013 Board meeting. Discussion ensued.

This concluded the Health Services portion of the Committee meeting at 10:17 a.m.

Mr. Sokol directed the Committee members back to the last item on the Westmount Health Facility agenda pertaining to the discussion and review of the RFP's for privatization of the Facility. He said the proposals had been due by February 7, 2013 and Mr. Dusek and his staff had worked diligently on reviewing the proposals.

Mr. Dusek stated Warren County was not looking to sell the Facility and walk away. He said it had been important to the Board of Supervisors that certain objectives were achieved in the proposals.

He explained it was important to the Board that the company or entity who purchased the Facility be willing to continue operation of the Facility. He noted the Board was also looking for expansion plans for the Facility and to ensure the new owners would grant access to residents on Medicare or Medicaid. He added it had been important that resident and family issues be addressed in the transition process. Mr. Dusek stated it was important to the Board to look out for the existing employees and that the new owner have a goal of job creation as part of their expansion plans.

Mr. Dusek announced that four proposals had been received, as follows:

1. LTC Midwest WC, LLC, which was a group of skilled nursing home operators, for \$3.5 million;
2. Heshey Newman, who was associated with and owned nursing homes, for \$1.6 million;
3. The Fort Hudson Health Systems for \$2.2 million; and
4. The Centers for Specialty Care Group for \$2.2 million.

Mr. Conover entered the meeting at 10:25 a.m.

Mr. Dusek stated the proposals contained confidential financial and proprietary information which could not be made public. The proposal amounts listed, he continued, were the total amounts and there were additional details as to the breakdown of those amounts. He advised the proposal amounts were only useful for starting information purposes. He stated it would be necessary to look at the details of each proposal, such as finances and what was being offered and requested.

Mr. Dusek recommended the Committee enter into an executive session to discuss the financial history of a particular corporation or corporations; to discuss the proposed sale of real property as public conversation could substantially affect the value; and to discuss the employment history of a particular person.

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

Executive session was declared from 10:27 a.m. to 11:00 a.m.

The Committee reconvened and Mr. Dusek said the Committee had briefly discussed the financial histories and matters concerning the sale price offerings for Westmount Health Facility. As a result, he continued, the County Administrator's Office would arrange initial meetings with LTC Midwest WC, LLC; The Fort Hudson Health Systems; and The Centers for Specialty Care Group. He explained each group would meet with the Committee and any other Supervisors who wished to attend. He added the meetings would be public and further meetings of the Committee would most likely be necessary before a decision was reached. He indicated a negotiating team would be established consisting of Supervisors and management staff. A resource team would also be established, he continued, and would be comprised of a number of County officials in order to ensure that all of the issues were covered.

As there was no further business to come before the Health Services Committee, on motion made by Mr. Taylor and seconded by Mr. McDevitt, Mr. Sokol adjourned the meeting at 11:04 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist