

Public Health and Social Services Committee
Regular Meeting Minutes

DATE & TIME: April 6, 2015, 6:30 PM
LOCATION: Legislative Chambers, COB, Kingston, NY
PRESIDING OFFICER: Chairman Craig V. Lopez
LEGISLATIVE STAFF: Nettie Tomshaw
PRESENT: Legislators Lopez, Provenzano, Belfiglio, Litts
EXCUSED: Legislator Allen
QUORUM PRESENT: Yes
OTHER ATTENDEES: Erica Guerin Legislative Counsel, Cappy Weiner Legislative Counsel, Ken Crannell Deputy County Exec., Michael Iapoce Commissioner DSS, Minerva Solla NYSNA, Hugh Reynolds Kingston Times, James Nani Times Herald Record

Chairman Craig Lopez promptly called the meeting to order at 6:30 PM.

MOTION NO. 1 To Approve the Minutes of the March 2, 2015 Meeting
Motion Made By: Legislator Carl Belfiglio
Motion Seconded By: Legislator Herb Litts
Discussion: None
Voting In Favor: Legislators Lopez, Provenzano, Belfiglio, Litts
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Michael Iapoce, Commissioner Department Social Services - Medicaid Reimbursement Claims:

An OIG audit was performed by the U.S. Federal Department of Health and Human Services Office of the Inspector General on Ulster County's Medicaid reimbursements for "continuous 24-hour personal care", and it was determined the state improperly claimed Medicaid reimbursements for all (30) of the Ulster County claims submitted between 2008 to 2011, and noted (14) of them had more than one deficiency. The final report determined the lack of independent medical review of each claim was not adhered to - thus did not meet state regulations. Ulster County submits their claims to the state, which in turn submits their claims to the federal government. The elderly, disabled and those with chronic or temporary conditions use these services.

Chairman Lopez asked Commissioner Iapoce for his position on the report, where the county stands, and what action the county plans to take going forward to comply with the Medicaid program requirements. Committee discussion ensued.

Commissioner Iapoce confirmed:

- Several audits have been done throughout the State of New York - can be viewed on line
- The OIG audit covered years 2008 – 2011
- The audit is between the state and federal government
- The federal government is monitoring the New York State program at the district level
- The findings were sent to the state for state compliance – not Ulster County
- No one has contacted the county including OIG and OMEG for information, comments or directives
- Ulster County is in compliance with the state – who oversees our conduct
- At this particular stage the county has not become a party to the audit
- The state is in the process of taking over the administration of the Medicaid program – already in year four of a six year takeover plan
- The OIG has not requested we make any changes
- No Plan to modify the procedure currently in place
- Quality of service provided is not in question
- Lack of doctor review/approval of claims – program compliance
- Services not entitled to refers to program compliance

Chairman Lopez asked Commissioner Iapoce to please keep the committee informed going forward once they hear more from the state or federal government regarding the audit results.

Minerva Solla, New York State American Nurses Association (ANA) Rep., 243 Wall St. Kingston:

Chairman Lopez introduced Ms. Minerva Solla who came before the committee to promote awareness and ask for support via resolution for the "Safe Staffing for Quality Care Act" bills introduced both in the Assembly A1548 January 12, 2015, and Senate S782 January 7, 2015. Both bills were provided with the committee agenda. Ms. Solla provided the Chairman with literature for the record. The ANA supports the Registered Nurse Safe Staffing Act which would require Medicare participating hospitals, through a committee comprised of at least 55% direct care nurses or their representatives, establish and publicly report staffing plans. Committee discussion ensued.

- Local chapter in Kingston
- NYS Nurses Association represents 37,000 nurses
- The bill has bipartisan support – sponsored by a republican in senate, and democrat in assembly
- Schenectady County passed a resolution supporting the Safe Staffing Act
- Establish adjustable minimum numbers of RN's per patient ratio - currently 8 to 1 (4-1 preferred)
- Include input from direct care RNs
- Be based upon patient numbers & the variable intensity of care needed
- Take into account level of education, training and experience
- Take into account staffing levels provided by other health care personnel associated w/nursing care
- Consider staffing levels recommended by specialty nursing organizations
- Take into account unit and facility level staffing, patient outcome data & national comparisons
- Take into account unit geography and available technology
- Ensure RNs are not forced to work in units where they are not trained or experienced
- Adding RN's to unit staffing has been shown to eliminate almost 1/5 of all hospital deaths
- Reducing medical errors will prevent payment denial for preventable hospital acquired injuries or illnesses
- Increase staffing will induce positive work environment
- Retention of nurses reduce recruitment and retraining costs
- Avoidable extra stay days for adverse patient events – infection and bleeding saves millions of dollars
- Staffing increases will inflate facility costs

Although Legislator Belfiglio is in support of a memorializing resolution, he noted the state needs to address the inequities regarding the reimbursement system throughout the counties – Ulster County receives less than neighboring counties.

Chairman Lopez and committee members thanked Ms. Solla for coming before the committee and will be in touch regarding a potential future resolution showing support.

RESOLUTIONS

MOTION NO. 2

Resolve to Approve Resolution No. 133

Text of Motion:

Adopting Proposed Local Law No. 14 of 2014, A Local Law Establishing a Tobacco Retail License and Reducing Youth Exposure to Tobacco

Motion Made By:

Legislator Jeanette Provenzano

Motion Seconded By:

Legislator Carl Belfiglio

Discussion:

Legislator Provenzano thanked everyone for their support and provided an overview of the history and background leading up to tonight's meeting. Leg. Provenzano noted Legislative Counsel raised concerns regarding different scenarios – past violations etc., and together with county attorney Tracy Steeves made every effort to address all aspects that may present its self. Legislator Belfiglio asked if committee members have received inquiries from retailers affected

by the proposed local law. Leg. Belfiglio was contacted by a store owner opposing the law who really didn't understand it - misinformed. He went on to ask what the notification process is. Legislative Provenzano noted community notification is through the Public Hearing process and official newspaper publications. Ken Crannell expressed the county sends minors out to stores.

Voting In Favor:	Legislators Lopez, Provenzano, Belfiglio, Litts
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

MOTION NO. 3

Resolve to Block Resolution Nos.:
154,160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,
175,176,177, and 178 on Agenda to Vote as a Group

Text of Motion: Motion by Chairman Lopez, seconded by Legislator Jeanette Provenzano to group Resolution Nos. 154, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178 together for the purpose of a single block vote. All were in favor.

Motion: Motion made to open discussion by Legislator Carl Belfiglio, Seconded by Legislator Herb Litts.

Discussion: Legislator Belfiglio asked about same services being provided by different vendors and cost ratios. Legislative Counsel Erica Guerin noted all the contracts are the same and stated different vendors are needed to cover different locations throughout the county. Some discussion ensued to better understand the contracts. Legislator Belfiglio shared his concerns to better understand the children age groups and special needs of children and community needs. These are state mandated programs.

Note: Prior to the meeting Leg. Belfiglio emailed Ken Crannell asking how much over \$50K are the contracts and why don't we know the rates? Also, how do we make sure each vendor is in compliance with the law as it pertains to their area of expertise?

Ken's response – Projections are based on historical data. Ken provided a list of vendors whose contracts need to be renewed that have been paid thus far in the 2014-15 school year.

PreK over \$50K – We only pay the rates identified for each related service or evaluation provided. Tuition rates which are set by NYS Dept of Education are not identified within the contract, but are available on the NYSED website: <http://eservices.nysed.gov/netrates/index.jsp>

Preschool Schedule B rates – In regards to the compliance question, we monitor that all vendors are properly licensed for their area of expertise, and are registered with the NYS Dept. of Education and/or the NYS Dept. of Health, which oversees this program. Providers may not operate within these programs, nor will they be contracted with, until they are approved by NYSED and/or NYSDOH. Registrations and approvals are monitored by the DSS Preschool unit.

Voting In Favor:	Legislators Lopez, Provenzano, Allen, Belfiglio, Litts
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

MOTION NO. 4 Resolve to Approve Resolution No. 156

Text of Motion: Proclaiming April 25, 2015 Parental Alienation Awareness Day In Ulster County

Motion Made By: Legislator Carl Belfiglio

Motion Seconded By: Legislator Jeanette Provenzano

Discussion: Legislator Mary Wawro the sponsor of the resolution was not able to attend the meeting due to a prior commitment. The committee reviewed the resolution and shared full support going forward.

Voting In Favor:	Legislators Lopez, Provenzano, Belfiglio, Litts
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

MOTION NO. 5 Resolve to Approve Resolution No. 179

Text of Motion: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Zack Academy, Inc. – Department Of Social Services

Motion Made By: Legislator Carl Belfiglio

Motion Seconded By: Legislator Jeanette Provenzano

Discussion: Legislative Counsel Guerin provided an overview of the contract for the committee - Zack Academy will conduct a certified renovation course for lead safety training during renovation, repair and painting. This training is advertised for contractors and homeowners on a monthly basis. 100% state funded.

Voting In Favor: Legislators Lopez, Provenzano, Belfiglio, Litts
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

MOTION NO. 6 Resolve to Approve Resolution No. 180

Text of Motion: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Astor Services For Children & Families – Department Of Social Services

Motion Made By: Legislator Carl Belfiglio

Motion Seconded By: Legislator Jeanette Provenzano

Discussion: This amendment is for an increase of funding due to the increase of number of foster care placements & related services. The services provided are mandated by New York State.

Voting In Favor: Legislators Lopez, Provenzano, Belfiglio, Litts
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

New Business:

Legislator Provenzano will email information to share with the committee proclaiming April being children's month and possibly the committee will consider recognizing the event.

Legislator Belfiglio is a member of the Ulster County against Narcotics (UCAN) committee. The committee was formed to help and protect the public from harmful effects of opioids, by studying how to develop or improve approaches to public education, prevention and usage remediation, and will make recommendations to the Ulster County Legislature. Legislator Belfiglio would like to invite the committee to the next UCAN meeting. He will advise every one of the date. The committee has identified a high profile athlete who speaks out nationally as to the dangers of the heroin epidemic. Funds would have to be raised to schedule a conference presentation. They also created a public service announcement video with SUNY New Paltz college students – working on getting it aired. The public service announcement video stars the UC District Attorney.

Adjournment

There being no further business, a motion to adjourn was made by Legislator Litts and seconded by Legislator Belfiglio, all were in favor, and Chairman Lopez declared the meeting duly adjourned at 7:35 PM.

Dated the 14th Day of April, 2015
Nettie Tomshaw, Legislative Employee
Minutes Approved on: May 4, 2015