

**Authorizing The Chairman Of The Ulster County Legislature And The Commissioner Of The Ulster County Department Of Social Services To Execute The Stipulation Of Settlement Between The County Of Ulster, The New York State Department Of Health, The New York State Office Of Mental Health And The New York State Office Of Retardation And Developmental Disabilities – Amending The 2006 Ulster County Budget – Social Services**

The Human Development Committee (Chairman Kraft and Legislators Distel, Liepmann, Loughran, Provenzano, Harris and Noonan) offers the following:

WHEREAS, Chairman of the Ulster County Legislature and the Commissioner of the Ulster County Department of Social Services are requesting authorization to execute the stipulation of settlement between the County of Ulster, the New York State Department of Health (DOH), the New York State Office of Mental Health (OMH) and the New York State Office of Retardation and Developmental Disabilities (OMRDD), and

WHEREAS, Social Services Law Section 365(5) provides for Medicaid benefits to certain eligible persons, commonly referred to as “621-eligibles”, who have been discharged or released from a state department of mental hygiene facility, and

WHEREAS, the County of Ulster, as well as other counties in New York State, acting as the agent of the New York State Department of Health (DOH), has made certain determinations regarding eligibility of such persons in reliance upon information provided by the New York State Office of Mental Health (OMH) and the New York State Department of Mental Retardation and Development Disabilities (OMRDD), and

WHEREAS, as a result of this reliance by the County of Ulster upon the aforementioned State departments and agencies, inaccurate identifications of certain eligible persons may have been made thereby resulting in a deficiency in state reimbursements to the County of Ulster for its share of the Medicaid payments it disbursed, and

WHEREAS, the State agencies and departments referred to herein have embarked on a program to correct the inaccurate identifications made and the deficiency in reimbursements to the County that resulted therefrom, and

WHEREAS, in the interests of avoiding litigation and resolving fully, finally and completely any and all disputes between the County and the state agencies regarding this matter, a settlement regarding the reimbursements herein has been negotiated between the County and the state agencies whereby the County of Ulster would receive a settlement in full reimbursement for all of the “621-eligibles” for all

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of the dates of payments prior to October 1, 2005 in the amount of \$1,179,171.00, and

WHEREAS, the Commissioner of the Ulster County Department of Social Services has recommended to the County of Ulster that it accept and enter into the stipulation of settlement as described herein, and

WHEREAS, the Human Development Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the County of Ulster hereby accepts and agrees to enter the stipulation of settlement as described herein, and

FURTHER RESOLVED, that the Chairman of the Ulster County Legislature and the Commissioner of Ulster County Department of Social Services are authorized to execute the stipulation of settlement between the County of Ulster and the New York State Department of Health (DOH), the New York State Office of Mental Health (OMH) and the New York State Office of Retardation and Developmental Disabilities (OMRDD), in the form as filed with the Clerk of the Legislature, or as modified with the approval of the County Attorney,

[FURTHER RESOLVED, that the 2006 Ulster County Budget be amended as follows:

|                           | <u>INCREASE</u>                | <u>AMOUNT</u>  |
|---------------------------|--------------------------------|----------------|
| A4-1331-4553<br>(App. #)  | Contingent Account             | \$1,179,171.00 |
| A3-2715-3602<br>(Rev. #)] | State Aid, Medicaid Assistance | \$1,179,171.00 |

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and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 29 NOES: 0  
(Legislator Liepmann left at 7:30 PM)  
(Absent: Legislators Aiello, Alfonso and Gerentine)

Legislator Kraft motioned, seconded by Legislator Lomita to amend the resolution as follows: insert into the title “Amending The 2006 Ulster County Budget” and adding a “FURTHER RESOLVED, that the 2006 Ulster County Budget be amended as follows: (amendment is indicated as shown in [ ]

|                          | <u>INCREASE</u>                | <u>AMOUNT</u>  |
|--------------------------|--------------------------------|----------------|
| A4-1331-4553<br>(App. #) | Contingent Account             | \$1,179,171.00 |
| A3-2715-3602<br>(Rev. #) | State Aid, Medicaid Assistance | \$1,179,171.00 |

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 9  
(NOES: Legislators Busick, Cummings, Every, Fabiano, Felicello, Harris, McAfee, Noonan and Roberti)  
(Legislator Liepmann left at 7:30 PM)  
(Absent: Legislators Aiello, Alfonso and Gerentine)

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FINANCIAL IMPACT:

\$1,179,171.00 – ADDITIONAL APPROPRIATION DOLLARS

\$ 0.00 – ADDITIONAL FEDERAL DOLLARS

\$1,179,171.00 – ADDITIONAL STATE REVENUE DOLLARS

\$ 0.00 – ADDITIONAL COUNTY DOLLARS

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