

**HEALTH AND HUMAN SERVICES COMMITTEE
MINUTES
DECEMBER 3, 2008 – 3:00 P.M.
SCOTT HEYMAN CONFERENCE ROOM**

Approved
1-20-09

Present: F. Proto, Chairman, M. Robertson, C. Chock, N. Shinagawa
Excused: T. Randall
Staff: R. DeLuca, Mental Health; A. Cole, B. Grinnell-Crosby, S. Connors, Health Department;
P. Carey, Department of Social Services; S. Martel-Moore, Human Rights Commission;
N. Zahler, Youth Services; K. Schlather, B. Chin, B. Falcao, Human Services Coalition;
K. Fuller, Deputy Clerk

Call to Order

Chairman Proto called the meeting to order at 3:07 p.m.

Changes to the Agenda

Mr. Proto asked to receive information regarding Medicare Part D from members of the Human Services Coalition.

Ms. Chock asked to address the topic of diverse advisory board appointments.

Approval of Minutes of November 5, 2008

It was MOVED by Ms. Robertson, seconded by Ms. Chock, and unanimously approved by voice vote by members present, to approve the minutes of November 5, 2008, as presented.

Chair's Report

Mr. Proto expressed his gratitude and compliments to departments for their hard work obtaining grants and asked for a summary indicating the total grant funding received by departments/agencies to share with fellow Legislators. He recalled grants from Office for the Aging, Youth Services, Department of Social Services, and others. He then spoke of contacting Ms. Schlather, Human Services Coalition; Ms. McPheeters, Chamber of Commerce; Mr. Brown, United Way, and Ms. Armstrong, Tompkins County Area Development to address the possibility of a study to determine the impact and importance of the human services agencies in the County. He noted that not only are they employers but also provide a valuable service to the community. Mr. Proto believes when reviewing budgets to determine where cuts might take place it would be good to know what the full value of a service undertaken by the not-for-profit agencies might be. Ms. Schlather is in the process of completing a survey through the Human Services Coalition to determine salaries and number of employees and would add a list of how much value they bring into the county from outside in the forms of aid and grants. Mr. Proto spoke of his desire to see a human services component within the comprehensive plan and asked that perhaps it be a task for the Planning Department to undertake. Ms. Robertson spoke of the extensive staff time it would require but could be discussed. Ms. Falcao spoke of the many different areas that human services assists residents, including childcare, health services, transportation, etc.

Human Services Coalition

Ms. Falcao noted the agency is celebrating its 40th Anniversary and invited members to attend the function.

Universal Service Fund

Ms. Falcao reported the Universal Service Fund, a surcharge for long-distance telephone services, was created in order to assist in four areas: high-cost installation, low-income household, rural health

services, and schools and libraries. Each of these categories offer monetary assistance in order to provide telecommunications services everywhere in the United States and its territories.

She spoke of the rural health care portion of the fund, noting that there are only three census tracts within Tompkins County that would be eligible, Groton, Enfield, and Dryden. As the funds would only be available to a not-for-profit clinic, it is doubtful the County would be able to receive any funding in this area. In addition, only the difference in expense between cost to rural areas versus urban would be available. She spoke of the difficulties involved as a result of billing. Cayuga Medical would not be able to communicate with not-for-profit clinics unless they had the ability to separate their regular telecommunications from that used to communicate with rural clinics. In response to what would be most beneficial to clinics it was suggested to not have such stringent regulations and restrictions on communication. Also, having broadband services available in more areas would be worthwhile.

Mr. Proto noted the fund has collected in excess of \$6 billion, with between \$40 to 45 million going for administration costs. Also, the largest portion of the fund has been paid to the telecommunication for-profit businesses that collect the surcharge. Presently, funds collected by the Universal Service Charge are requested through the application process by local schools and libraries, but due to the amount of time required to apply versus the benefit many rural libraries have decided not to apply for the funds. Mr. Proto talked to Senator Schumer and Congressman Hinchey to see if the regulations could be changed to make broadband services part of the umbrella covered through the fund.

Ms. Robertson spoke of Tompkins Cortland Community College's eligibility under the funds and asked if they received it; Ms. Falcao thought she could speak to the college to see if it is eligible. Ms. Chock would like to know what specifically the county could be allowed to do to recapture funds and said perhaps administration could review the matter. Mr. Proto said he would discuss this topic with Mr. Mareane in the near future.

TompkinsRx Survey

Ms. Chin provided a summary of the telephone survey recently completed to determine the use and recognition of the TompkinsRx program. The program provides discounted prescriptions to individuals and does not require anything more than the free plan cards to enable the discount. Caremark aggregates the uninsured and negotiate the pricing for the program. Since implementation of the program in January 2005 to October 2008 residents of Tompkins County have saved \$981,294, and has no local cost as the plan is paid for by discounts from the pharmaceutical companies and pharmacy chains. Some highlighted items of the survey include: 14 of the 15 pharmacies use the cards on a regular basis, the average savings is \$13 per prescription, the TompkinsRx card is more recognized than other pharmacy discount cards, on average the savings is similar to other discount pharmacy cards.

The Committee discussed various ways to compare TompkinsRx to other free prescription discount plans. It was noted there are websites, however they are not always up to date and the pricing fluctuates a great deal. If multiple cards are held, pharmacists may be willing to inform the client, which would provide the best discount at the time of purchase. As a result of the survey, it was not recommended to change the program at this time.

Although the state has spoken of possibly providing a discount card for individuals between 50 – 64, similar to the EPIC program, nothing has occurred yet.

The Committee discussed how to continue to bring awareness and market the card. One suggestion was to have a celebration regarding the \$1,000,000 savings mark when reached. It was also suggested to have the program discussed on the local radio shows. It was noted that birth control is not an area that provides discount and that perhaps it could be negotiated to be included in the discounts.

Medicare Part D

It was noted the open enrollment period is from November 15, 2008 to December 31, 2008. Presently the Office for the Aging and Lifelong are holding clinics to review programs and assist in the education of what each offers. This is the time of year the companies can change the pricing of their prescriptions and other areas of coverage. The law allows the companies to change their costs at any time, which makes it difficult to determine what would be the best plan.

Youth Services

Appointments

It was MOVED by Ms. Robertson, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to recommend the following appointments to the full Legislature:

Youth Services Board

Dr. Jeffrey D. Bishop – At-Large – term to expire December 31, 2011

Amanda Verba – At-Large – term to expire December 31, 2010

Staff Report

Ms. Zahler provided a written report of the work being undertaken by staff in her department for their review.

2008 Youth Development Survey

Ms. Zahler reported the survey of students in grades 6 through 12 was completed and the results are being compiled. The survey, which addresses the students' behavior and attitude on alcohol, drugs, gambling, and other areas of their life, is a result of joint efforts between the department and the New York State Office of Alcoholism and Substance Abuse Services (OASAS) staff. As a result of the joint effort in developing the survey, the vendor provided additional surveys to Tompkins County that enabled the survey to be expanded to five of the six school districts (Newfield did not participate). The first results of the survey should arrive in December or January, with the full report coming in May that would compare the Countywide results with the rest of New York State. Ms. Zahler said the survey was completed previously at Ithaca City School District, would serve as a baseline for the other municipal school districts participating for the first time. Also, as a result of the work with OASAS, nine local questions were allowed; it is unknown if other New York State communities utilized the local question option. The local questions included whether access to computers is available, cyber-bully experiences, etc. Ms. Zahler said she is looking for any specific areas the Committee would be interested in receiving a specific report. She noted the survey report is not going to show the result of one school versus another school. Members of the Committee noted the local questions varied from previous surveys; Ms. Zahler said the initial survey had been designed exclusively for the Ithaca school district, the State survey local questions were more generalized for other county districts as well.

The Committee was informed that parents were notified of the survey and could request to review it, and/or exclude their children from participation. If a child did not desire completing the survey they were not made to do so. Ms. Zahler said teachers scheduled class time for students to take the survey. Once the information is compiled it would be reviewed by staff, the Youth Board, high school cabinets, etc. in order to determine plans of action based upon the results.

Update – New York State Family and Children Services Plan

Ms. Zahler informed the Committee the plan was submitted to the state and a report would be made in January on the status of the plan.

Department of Social Services

Resolution

RESOLUTION NO. - AUTHORIZATION TO ACCEPT VIOLENCE AGAINST WOMEN ACT (VAWA) DEVELOPMENT GRANT FROM FEDERAL DEPARTMENT OF JUSTICE – DEPARTMENT OF SOCIAL SERVICES

It was MOVED by Ms. Robertson, seconded by Mr. Shinagawa, and unanimously adopted by voice vote by members present, to recommend adoption of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the Department of Social Services is challenged, when working with families troubled by domestic violence, to satisfies its dual mandates to keep children safe and promote parental involvement in children’s lives, and

WHEREAS, the “Safe Haven” approach to dealing with this circumstance has been successful elsewhere, and

WHEREAS, the Department submitted a “Safe Havens Development Grant” application to the United States Department of Justice to fund the preliminary work of creating a resource of that type in Tompkins County, and

WHEREAS, the Department has received a notice of award from Department of Justice’s Office on Violence Against Women worth \$150,000 over a two-year period, now therefore be it

RESOLVED, on recommendation of the Health & Human Services Committee, That the Department of Social Services is authorized to accept the award.

SEQR ACTION: TYPE II-20

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Explanation: A “Safe Haven” is a facility which – both in terms of interior and exterior physical layout and staffing – is designed to support children’s visitations with non-custodial parents while preventing contact (and, thus, conflict) between the two parents. These Federal funds will make it possible for the Department of Social Services to begin working with our community partners to plan for the creation and operation of a “Safe Haven” in our county. At this time the Department needs authorization to formally accept the award; budget adjustments to reflect anticipated expenditures and reimbursement for 2008 and 2009 will follow.

Medical Transportation Report

Ms. Brockway provided information on Medicaid transportation services, including dental case management, provided through the Department of Social Services. Ms. Carey noted that due to an erroneous report that the County had provided transportation to a physical therapist outside the county for a client; she wanted the Committee to be aware of what is mandated and provided to clients. Ms. Brockway reported the County is required to provide transportation for medical appointments for clients, without restrictions regarding what provider is sought. The appointment could be outside of our geographic area if required by the type of service needed, for example an oral surgeon in Syracuse, or if particular treatment/therapy was begun at one provider and a client relocates, it could continue at the initial location. Transportation coverage is done in the least expensive manner: (1) providing reimbursement to client for using own vehicle; (2) providing bus vouchers, preferably a day pass to allow for other errands at the same time; (3) Gadabout services; or (4) taxicab, which sometimes is necessary due to the rural residence of a client. In some special circumstances, the department has the right to override standard guidelines if determined necessary.

In 2005 the County medical transportation records were audited by New York State, who was seeking to find best practices in this area. At that time, the average annual cost per client in Tompkins County was \$65.28 compared to the \$86.29 average of other counties. One guideline used by Tompkins County is by authorizing certain clients to set up their own transportation services for appointments,

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which leads to fewer cancellation than counties who set up automatic rides for the clients. Another initiative that is being reviewed is the possibility of electronic signatures for clients taking taxicabs, clearly indicating when they were provided the transportation.

Members of the Committee appreciated the information and suggested it be shared with the media to clarify Tompkins County services.

Dental Case Management

The Committee was provided with an article appearing in the Journal of American Dental Association that highlighted the dental case management services provided by Tompkins County. The services provided within the county showed a forty percent participation rate compared to the fifteen percent average elsewhere in the state. Ms. Carey said a good deal of the success if the work done by staff to assist with difficulties dealing with Medicaid and in receiving approval for much-needed dental work by clients that normally was declined. As a result of the work completed, more dentists are signing onto the program. It was noted the grant for the program is through the Health Department and that a second round of grant is sought to assist in awareness of pre-natal and child dental care needs. The Committee felt this information should also be shared with the Public Information Office for a possible news release.

Monthly Reports

The Committee received written reports from the Department. It was suggested that the Legislature be provided with a summary of the impact of State reduction in aid made within the department.

Mr. Shinagawa was excused at this time (4:34 p.m.).

Advisory Board Appointments – Diversity Question

A brief discussion occurred, during which it was noted there are many nominating committees reviewing applications. Additional information would be obtained to review the matter in more detail.

Human Rights Commission

Ms. Martel-Moore provided a written report that outlined the services of the Human Rights Commission, statistical information on jurisdictional statistics, and the Commission's education and outreach over the past three years. She invited Ms. Chock and stated she would also like Mr. Burbank, both newer Legislators to visit the office to be able to see how the Human Rights Commission operates and answer any questions they may have.

Ms. Martel-Moore spoke of an increase in disability cases over the last year, which could be in part to the changes regarding special accommodations. She did not believe it was a result of the recent Kearny case. Ms. Martel-Moore spoke of the Commission having only four staff members and a great deal of information they are required to keep abreast of. She noted that often, depending on particular cases, referrals are made to the Department of Social Services, Mental Health, Legal Services, or other appropriate agencies to further assist individuals coming in with claims. Ms. Martel-Moore also when business request offers her services to speak to staff, make recommendations, and has done sexual harassment training if requested.

Office for the Aging

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Appointments

It was MOVED by Ms. Robertson, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to recommend the following appointments to the full Legislature:

Office for the Aging Advisory Committee

Maxine C. P. Nicholls – At-Large – term to expire December 31, 2011

Eugene Lovelace, At-Large – term to expire December 31, 2011

Personal Emergency Response Service Advisory Board

Cindy Ceracehe, R.N. – Agency Representing Disabled or Elderly – term to Expire December 31, 2010

Health Department

RESOLUTION NO. - AUTHORIZING CHANGES IN CHARGE STRUCTURE - TOMPKINS COUNTY HOME HEALTH CARE - HEALTH DEPARTMENT

It was MOVED by Ms. Robertson, seconded by Ms. Chock, to recommend adoption of the following resolution to the full Legislature. It was noted by Ms. Crosby that when the medical social work portion upon approval, would have the fee set in a separate resolution. The Home health aide fees have been increased as well as the per-hour nursing administrative charges; this is the first time in three years this has occurred.

Mr. Proto inquired about Governor Paterson’s potential cut of home health aides and certified nursing assistants. Ms. Crosby stated the fee includes the present State cuts in the trend factor work, so it has been taken into account (35 percent on trend factor and 1.3 percent reduced). The negotiations will start with the insurance carriers.

A voice vote on the motion resulted as follows: Ayes – 3 (Legislators Chock, Robertson, and Mackesey); Excused – 2 (Legislators Randall and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, Tompkins County’s accounting consultant, Michael McCarthy, CPA, of McCarthy & Conlon, LLP has recommended changes in the Certified Home Health Agency fee structure to maximize Medicaid and Medicare revenues, and

WHEREAS, New York State currently promulgates rates on the day the County Legislature approves them and it is therefore, desirable for Tompkins County to adopt the 2009 rates in December 2008 for implementation on January 1, 2009, and

WHEREAS, all changes proposed were made to align charges with actual costs per unit of service as determined during Mr. McCarthy’s most recent review of our financial and statistical data, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Budget and Capital Committees, That the Tompkins County Health Department implements the charge structure below, as recommended by Michael McCarthy, CPA, in order to maximize Medicaid, Medicare, and other third party revenues.

2009 Tompkins County Home Health Care Fee Schedule

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Skilled Nursing	\$150.00	\$165.00	\$175.00	\$175.00
High Tech Nursing	\$185.00	\$190.00	\$200.00	\$200.00
Physical Therapy	\$110.00	\$112.00	\$115.00	\$115.00
Speech Therapy	\$105.00	\$105.00	\$120.00	\$120.00
Occupational Therapy	\$105.00	\$105.00	\$115.00	\$115.00
Medical Social Work	\$105.00	\$105.00	no fee set	no fee set

Home Health Aide	\$ 45.00/hr	\$ 45.00/hr	\$45.00/hr	\$48.00/hr
	\$ 90.00/visit	\$ 90.00/visit	\$90.00/visit	\$96.000/visit

RESOLVED, further, That the Department sets the per hour Nursing Administrative Charge at \$66.00 per hour, for services as appropriate (i.e. rabies post exposure, hypertension screening clinics, immunization administration, etc.)

SEQR ACTION: TYPE II - 20

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Note: The fees are established to maximize dollars from Medicaid, Medicare, and other third party payers. The department maintains the use of a sliding fee scale for those patients paying for services out of pocket. In addition we have negotiated agreements with a number of insurance providers and accept payment in full from them. The department continues to maintain the ability to waive a fee in special circumstances.

The following are allowable costs used to determine our average cost per visit:

Administration Costs: Salary and Fringe Benefits for administrators, directors, supervisors and others, Contractual services including Care at Home, Software Support/Maintenance, Cost Reporting Services, etc.), Supplies, Telephone, etc., Depreciation, POM (Plant, Operations, and Maintenance), Transportation and In-direct Costs.

Direct Services Costs: Salary and Fringe Benefits, Contractual Arrangements, Drugs, Depreciation, POM (Plant, Operations, and Maintenance) and Transportation.

Early Intervention – Committee on Special Education

Ms. Robertson inquired whether any further information has been received regarding third-party payers not paying for covered services, noting it is one item sent to Governor Paterson from New York State Association of Counties. Ms. Cole said it is a major item for the State Health Association, who has undertaken extensive lobbying on the issue. Locally, she said the County has a good success rate of obtaining the reimbursements compared to other counties.

Mental Health

Broome Office of Mental Retardation and Developmental Disability

Mr. DeLuca reported that he has been negotiating for over a year with the Broome County OMRDD regarding process in the possible downsizing of Broome Developmental Facility, which would require clients to be served locally. He said there have been conversations regarding the importance of committee-based planning, which may be better due to personnel changes. On December 16th two Board members and he would be meeting with the OMRDD Commissioner to discuss the matter. Mr. DeLuca said the difficulties have been in receiving appropriate information to be able to know the “who, what, where, and why” with regard to placement of individuals within our community. He spoke of how Broome had considered bringing in a provider from Fulton County, which he did not feel was the appropriate manner to determine who would provide the housing in our community and should include community members. In addition, he spoke of the difficulty in receiving a list of individuals proposed to be serviced in Tompkins County, which at one time was up to twenty people, without knowledge of whether they were in fact residents of the county.

Lakeview Mental Health Services

Negotiations are presently being undertaken with Lakeview Mental Health Services regarding a potential apartment project. If it were decided to attempt the project, it would require primarily New York State Division of Housing and Community Renewal funding and would require the Mental Hygiene system to allocate beds in order to create the apartment building. An application for this project may be sent in January and if completed, would provide approximately fifty low-income housing units, of which

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twenty would be in Mental Health's realm of operation. The portion of the residence with mental health clients would require licensing, the other portion would not. This project could also provide housing for low-income individuals working within the system. The project would not require local funds; approval on the project could be received by the summer and the project completed in 2010.

Single Room Occupancy

At the present time there are fifteen residents in the single room occupancy building. Mr. DeLuca reported the agency would like to see the rooms fill up quicker, however, he feels it is moving along at an appropriate pace. Ms. Robertson spoke of the discussion at the Homeless and Housing Task Force, noting an individual attended and inquired whether the residence was full; she suggested contact be provided to remind agencies of the facility. Mr. DeLuca said potential residents are required to come through the single point of access (SPOA) process for consideration. He would review the process of recommendation to the program with agencies.

Medicaid Audit

Mr. DeLuca reported he has received a call that the Medicaid audit for Tompkins County Mental Health would be starting on Monday, December 8th. He noted the State hired 400 to 500 staff to undertake this effort that is designed to find approximately \$600 million in fraud. The auditors will be reviewing four years of records and Mr. DeLuca said although he feels good, he would not speculate on the outcome.

Continuing Day Treatment/Case Management Review

Mr. DeLuca reported that the licensing reviews for the Continuing Day Treatment Program and Case Management would be occurring this month in addition to the Medicaid audit.

Appreciation of Staff

Mr. DeLuca shared information of his staff having gone beyond the scope of their work recently during an extremely difficult period for an individual. A local individual lost his entire family in a car accident out of town. The staff went to the individual and picked them up, stayed and assisted in calling relatives, picking them up at the airport, working to find accommodations, etc. He said all departments have difficult situations and he is very proud of the work they did.

Integrated Health Clinic

Mr. DeLuca reported this program would track individuals who use psychotropic medications and would look for symptoms related to their use, and is looking to provide medical care as needed. Clients using the medications are more at risk for medical issues. The Office of Mental Health quality assurance is recommending the tracking of clients in this area; Tompkins County has been working on this for over a year.

Adjournment

On motion the meeting adjourned at 5:15 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk