

June 26, 2012

HEALTH & HUMAN SERVICES COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HOGUES.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 12M-5 (2012)
PRESIDENT, EC BOARD OF HEALTH: “Notice of Meeting to be Held 7/10/2012 with Attached Minutes from Meeting Held 3/27/2012”
(5-0)
2. INTRO 12-2 (2012)
DIXON, RATH, MAZUR, MILLS & MARINELLI AS AMENDED
WHEREAS, according to the American Cancer Society, more than 3.5 million cases of skin cancer are diagnosed in the United States each year; and

WHEREAS, skin cancer accounts for more diagnoses than all other cancers combined; and

WHEREAS, along with wearing a shirt, hat and sunglasses, the American Cancer Society recommends frequent and sufficient application of sunscreen to protect from harmful UV rays; and

WHEREAS, the New York State Department of Education’s “Administration of Medication in the School Setting – Guidelines” states that “All medications, including nonprescription drugs, given in school shall be prescribed by a licensed prescriber on an individual basis as determined by the student’s health status;” and

WHEREAS, further “[m]edication orders must be renewed annually or when there is a change in medication or dosage;” and

WHEREAS, additionally, written parent consent is required for the administration of medication; and

WHEREAS, according to the United States Food & Drug Administration, sunscreen is considered an over-the-counter medication; and

WHEREAS, sunscreen may subjects users to certain risks, including allergic reactions; and

WHEREAS, it has been suggested that certain ingredients in certain sunscreens might possibly be linked to certain deleterious medical conditions; and

WHEREAS, despite the potential risks, most experts continue to promote the use of sunscreen to prevent sunburn and skin cancer; and

WHEREAS, physicians justifiably bill for their time and expertise; and

WHEREAS, as such, providing written prescriptions from physicians costs individuals and insurance rate payers, as well as imposing opportunity costs, such as time lost, to parents for having to secure a physician prescription to apply sunscreen; and

WHEREAS, further, there are costs to school districts and, therefore, school tax payers, for having to maintain and update physician prescriptions for the application of sunscreen; and

WHEREAS, rather than instituting bureaucratic red tape that tends to make the application of sunscreen burdensome, the public health would be better served by encouraging the use of sunscreen, especially among our youth, who can develop the use of sunscreen as a lifelong good practice for promoting skin health; and

WHEREAS, one possible revision to current guidelines might be to eliminate a physician prescription for sunscreen, while maintaining parental permission to apply sunscreen, including the parent signing a statement that they understand the possible risks of applying sunscreen and consent to the use of sunscreen despite those possible risks, as well as the parent stating that he or she has tested the sunscreen on his or her child to determine if the child had an allergic reaction to the sunscreen; and

WHEREAS, regardless, eliminating the requirement of a physician prescription for the application of sunscreen on a child in school would promote the use of sunscreen, while at the same time reducing costs to parents, insurance rate payers and taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Department of Education revise its guidelines to promote the use of sunscreen in children, while at the same time reducing costs to parents, insurance rate payers and taxpayers; and be it further

RESOLVED, that copies of this resolution be forwarded to the New York State Commissioner of Education John B. King, Jr., Governor Andrew Cuomo and the local delegation of the New York State Legislature.
(5-0)

3. COMM. 12E-9 (2012)

COUNTY EXECUTIVE

WHEREAS, the County's Medicaid program which costs taxpayers over \$1 billion annually, with a County share of \$211.7 million in 2012; and

WHEREAS, in June 2009, the Office of Erie County Comptroller Mark C. Poloncarz issued a report examining Erie County's Medicaid anti-fraud initiatives and that report found that despite various mechanisms available for the County via the State to participate in provider-level Medicaid anti-fraud endeavors, the County was not doing so; and

WHEREAS, following discussions within his Medicaid Anti-Fraud Task Force and including meetings with the New York State Office of Medicaid Inspector General (OMIG) and others, the County Executive has determined that the County should work with OMIG and other parties (such as the New York State Attorney General's Medicaid Fraud Control Unit and anti-fraud vendors) to audit and investigate potential provider waste, fraud and abuse in the Medicaid program; and

WHEREAS, OMIG will fund the salaries and benefits of three new employees to conduct a project, and

WHEREAS, the County desires to create three new positions in a new Medicaid fraud investigatory and auditing unit: Confidential Investigator, job group 17, Senior Special Investigator, job group 10, and Confidential Aide, job group 6 to conduct Medicaid provider auditing and investigations; and

WHEREAS, recently, there was a significant revenue accrual error committed by the Department of Social Services' fiscal unit in 2011 which was subsequently corrected, which combined with other personnel issues has led the County to determine that special senior oversight of all financial matters in the Department of Social Services is necessary, given that over \$564 million annually in direct spending occurs and is monitored by this unit, and the County desires to strengthen the operation of the Department of Social Services' fiscal unit; and

WHEREAS, to address these issues, authorization to delete a vacant title of Assistant Deputy Commissioner-Soc Svc RPT in the Department of Social Services to help create a new job group 18 position of Senior Executive Assistant-CE is requested;

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the County Executive to enter into contract and accept funding from the New York State Office of Medicaid Inspector General to audit and investigate potential provider fraud and abuse in the Medicaid program; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Confidential Investigator, job group 17, step 5 (annual salary expense of \$91,466), Senior Special Investigator, job group 10 annual salary expense of \$37,886), and Confidential Aide, job group 6; annual salary expense of \$30,318) (B-100 #6916); and be it further

RESOLVED, that funding for these positions shall be established for the remainder of the year in the 2012 budget of the Department of Law under the following budgetary actions:

Fund Center 12070 - Fund 110 – Department of Social Services		
Revenue		Increase
405595	State Aid Medicaid Anti-Fraud	117,173
Expense		
916000	ID County Attorney Services	117,173
Net Revenue Less Expense		0
Fund Center 16010 - Fund 110 – Department of Law		
Expense		Increase/(Decrease)
500000	Full Time Salary	73,694
502000	Fringe Benefits	43,479
916000	ID County Attorney Services	(117,173)
Total Expense		0

and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to delete the vacant title of Assistant Deputy Commissioner-Social Svc. RPT in the Department of Social Services and to add the position of Senior Executive Assistant-CE, job group 18, step 5 (B-100 #6915), annual salary expense of \$99,850; and be it further

RESOLVED, that funding for this position shall be established for the remainder of the year in the 2012 budget of the Division of Budget and Management as follows:

Fund Center 10210 - Fund 110 - Division of Budget and Management

Expense	Increase/(Decrease)
500000 Full Time Salary	46,085
502000 Fringe Benefits	27,190
910200 ID Billing – Budget	(73,275)
Total Expense	0

Fund Center 120 - Fund 110 - Department of Social Services

Expense	Increase/(Decrease)
500000 Full Time Salary - Vacancy Savings	(63,359)
500020 Regular Part Time	(9,916)
910200 ID Billing – Budget	<u>73,275</u>
Total Expense	0

and be it further;

RESOLVED, that the Division of Budget and Management and Comptroller's Office are authorized to make any technical entries for the expense and revenue associated with these positions; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Law and the Department of Social Services.

(5-0)

THOMAS J. MAZUR
CHAIR