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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

October 8, 2013

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Department of Health - Transfer of Funds**

Dear Honorable Members:

The attached resolution requests authorization to transfer funds within the Health Department 2013 Adopted Budget for the Public Health Laboratory, the Medical Examiner's Office and the Correctional Health Divisions. The additional funding is required in order to cover higher than budgeted expenses in account 516020 Professional Services Contracts and Fees.

Should your honorable body require further information, please contact Dr. Gale Burstein in the Department of Health. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/bqs  
Enclosure  
cc: Gale R. Burstein, MD, MPH, FAAP

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Health  
**Re:** Department of Health Transfer of Funds  
**Date:** October 8, 2013

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### **SUMMARY**

The attached resolution requests authorization to appropriate funds within the Health Department for the Public Health Laboratory, the Medical Examiner's Office and the Correctional Health Divisions. The additional funding is required in order to cover higher than budgeted expense in account 516020 Professional Services Contracts and Fees.

The increased cost for the Public Health Laboratory Division resulted from the utilization of contract pathologists to maintain the lab's certificates of qualification (CQs), due to inability to recruit a qualified candidate for the position of Laboratory Director, and shortfall in funding for critical inspection software. Funds are available through vacancy savings in the Laboratory Director salary line and the Public Health Laboratory's Medical Supplies line.

The increased cost for the Medical Examiner's Division resulted from the retirement of Chief Medical Examiner.

The increased cost for the Correctional Health Division resulted from the utilization of contractual nurses to provide mandated jail medical services beyond the original budget amount which resulted from a protracted process to hire and orient nurses for critical positions which led to an increased utilization of contractual nursing agencies.

### **FISCAL IMPLICATIONS**

Vacancy savings from the unfilled Public Health Laboratory Director position will be utilized to fund the contract expense account, as will savings from a lower than expect utilization of medical supplies at the Public Health Lab.

Vacancy savings from the unfilled Chief Medical Examiner position will be utilized to fund the contract expense account.

Vacancy savings from the unfilled nursing positions and unanticipated revenue in the Payments to ECMC account will be utilized to fund the contract expense account.

## **REASONS FOR RECOMMENDATION**

This transfer of funds must be made in order to cover unanticipated high expenditures in the Department of Health's Public Health Laboratory, Medical Examiner's Office and Correctional Health Divisions Account 516020 Professional Services Contracts and Fees for the balance 2013.

## **BACKGROUND INFORMATION**

Since the departure of Dr. Scott Zimmerman in early January of 2013, the Public Health Lab has been without a director. In order to stay in operation, a Public Health Laboratory must maintain a set of Certificates of Qualification (CQs) covering the various tests that the lab performs. In order to maintain these certifications, the Department of Health has entered into a partnership with the University at Buffalo's Department of Pathology. SUNY Buffalo provides three highly trained pathologists on a rotating basis to oversee testing, and meet CQ requirements.

In the meantime, efforts are underway to either recruit a full-time lab director, or to enter into a long-term partnership with the SUNY Buffalo Department of Pathology. In an unrelated, but equally important manner, a review of accounts has determined that insufficient funds exist in Account 516020 to cover the costs of critical HealthSpace™ software. This cloud-based data management system is a vital component of Erie County's food service inspection process.

A transfer of funds must be made in order to cover increased contractual expenditures to fulfill the Department's commitment to the Erie County Sheriff's Department – Jail Medical Division and to remain in compliance with the Stipulated Order of Dismissal signed with the US Department of Justice.

Due to the retirement of the Chief Medical Examiner, the Department will require increased funds to cover contractual expenditures.

## **CONSEQUENCES OF NEGATIVE ACTION**

Failure to approve the above transfer will result in a total \$140,000 shortfall in Account 516020 and the loss of the necessary certifications to operate the Public Health Lab, a shortfall of \$23,000 in Account 516020 the Medical Examiner's Office and a shortfall of \$700,000 Account 516020 in the Correctional Health Division. In addition, Environmental Health will lose access to critical software necessary to conduct inspections of food service and other establishments.

**STEPS FOLLOWING APPROVAL**

The Health Department will take the appropriate steps necessary to transfer the funds into the proper accounts.

**A RESOLUTION SUBMITTED BY:  
HEALTH DEPARTMENT**

**RE: Department of Health - Transfer of Funds**

WHEREAS, a lack of a permanent Public Health Laboratory Director has led to the utilization of contract pathologists and insufficient funds exist to pay for the critical HealthSpace™ software contract; and

WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$140,000; and

WHEREAS, sufficient funds are available in Account 500000 Full Time Staff and Account 505800 Medical Supplies to accommodate this request; and

WHEREAS, a protracted process to hire and orient staff for critical positions in the Department of Health's Correctional Health Division has led to an increased utilization of contract nursing agencies; and

WHEREAS, the Department of Health has determined that in that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$700,000; and

WHEREAS, the Adopted 2013 Health Department Budget provides funding to provide medical services at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, a transfer of funds must be made in order to fulfill the Department's commitment to the Erie County Sheriff's Department – Jail Medical Division and to remain in compliance with the Stipulated Order of Dismissal signed with the US Department of Justice; and

WHEREAS, sufficient funds are available in Account 500000, Full Time Staff, Account 516050, Payment to ECMC, and from fringe benefits to accommodate this request; and

WHEREAS, the retirement of the Chief Medical Examiner has led to the utilization of contract pathologists; and

WHEREAS, the Adopted 2013 Health Department Budget provides funding to perform autopsy services at the Erie County Medical Examiner's office; and

WHEREAS, a transfer of funds must be made in order to fulfill our commitments to perform autopsies; and

WHEREAS, sufficient funds are available in Account 500000 Full Time Staff to accommodate this request; and

WHEREAS, vacancy savings from the retirement of the Chief Medical Examiner will be utilized to fund the contract expense Account 516020.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

**Health Department: Public Health Laboratory Division – Fund Center 12730**

<u>Expense</u>	<u>Increase/(Decrease)</u>
Account 500000 Full Time Staff (Vacancy Savings)	\$(110,000)
Account 505800 Medical Supplies	(30,000)
Account 516020 Professional Services Contracts & Fees	<u>140,000</u>
Net	-0-

**Health Department: Medical Examiner's Office – Fund Center 12740**

<u>Expense</u>	<u>Increase/(Decrease)</u>
Account 500000 Full Time Staff (Vacancy Savings)	\$(26,000)
Account 516020 Professional Services Contracts and Fees	<u>\$ 26,000</u>
Net	-0-

**Health Department: Correctional Health – Fund Center 12760**

<u>Expense</u>	<u>Increase/(Decrease)</u>
Account 500000 Full Time Staff (Vacancy Savings)	\$(100,000)
Account 502000 Fringe Benefits	(200,000)
Account 516050 Payments to ECMC	(400,000)
Account 516020 Professional Services Contracts and Fees	<u>700,000</u>
Net	-0-

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Sheriff's Department, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.