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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 5, 2015

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

Re: Erie County Medical Examiner's Office and Public Health Lab– Revised Fee Schedule, Personnel Adjustments and Equipment Replacement

Dear Honorable Members:

After a lengthy study of ongoing expenses and comparison of fee schedules around New York State, the Erie County Medical Examiner's Office has developed an updated fee schedule to provide additional revenue to the office as well as to meet the fee requirements of New York State Article VI. The Erie County Medical Examiner's Office has not updated its fee schedule since 2008. Your Honorable Body recently approved updated service fees in the Division of Environmental Health.

Revenue from the new fee schedule will be utilized to re-create Autopsy Technician positions in the Medical Examiner's Office. These positions are present in every other Medical Examiner's Office across the country and are vital, but missing, personnel in the Erie County Medical Examiner's Office. The Medical Examiner's Office is currently operating at below bare minimum staffing requirements to do their required work.

In addition, as was explained to the Capital Projects Committee at a recent meeting, a key but aging piece of equipment at the Public Health Lab has malfunctioned and replacement parts are unable to be sourced. This resolution also seeks to replace that device.

Should your Honorable Body require further information, I encourage you to contact Health Commissioner Gale R. Burstein, MD. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

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Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Erie County Medical Examiner's Office & Public Health Lab Revised Testing Schedule, Personnel Adjustments, and Equipment Replacement
Date: June 5, 2015

SUMMARY

Authorization is requested to modify the existing fee schedule for the Erie County Medical Examiner's Office to better reflect new costs, re-create Autopsy Technician positions in the office and to provide the Public Health Laboratory with key replacement autoclave equipment.

FISCAL IMPLICATIONS

Additional revenue from the updated fee schedule and a new contract with the University of Buffalo will be used to re-hire desperately need Autopsy Technicians. Revenue from Medicaid MMIS savings in 2015 will be utilized to purchase the replacement autoclaves for the Public Health Laboratory.

REASONS FOR RECOMMENDATION

Fee Schedule - Article VI of New York State law requires that county governments charge fees equivalent to their real costs of providing various services. These fees have not been updated since 2008 and are in need of modification.

Autopsy Technicians - The Medical Examiner's Office staff shortage has created an unsafe working environment leading to injuries, and is on the cusp of leading to a backlog of autopsies. Similarly sized counties including Monroe and Onondaga have 4 autopsy technicians each, as well as additional in-office staff.

Equipment Replacement - During the Erie County Department of Health's 2016 Capital Budget meeting with the Capital Projects Committee, it became apparent that the urgency of replacing the autoclave was great, and that waiting an additional year for a capital project to be approved and funded might be untenable. This expedited purchase was suggested by legislative representatives on the committee.

BACKGROUND INFORMATION

Fees - Per New York State Article VI, county health departments are required to charge fees equivalent to the real cost of provide service, necessitating periodic updates. After a comprehensive analysis of internal costs, as well as fees in similarly sized counties, staff with business administration expertise developed a new fee schedule. In addition, the University at

Buffalo has agreed to pay the office \$20,640 per year to provide for the placement of Pathology Residents in a rotation at the Medical Examiner's Office.

Autopsy Technicians - The Office of the Medical Examiner currently performs examinations or autopsies on bodies as they are received so that they may return decedents back to their families as soon as possible. This expediency also allows the office to provide information to the police, child protective services, district attorneys, and other interested parties as soon as possible to aid their investigations. Unfortunately, without additional in-office autopsy staff, reasonable turn-around times for examinations and autopsies will soon be impossible.

Several measures have been taken to combat the lack of staff including: moving additional employees to the day shift, bringing in contractors to perform autopsy technician duties and allowing individuals to take many hours of overtime to cover shifts. These measures have been unable to cover the work needed, and have had serious consequences on overtime budgeting. Smaller counties that perform fewer autopsies have four autopsy technicians to provide in-office autopsy support, Erie County has had zero since 2009.

Autoclaves - These pieces of equipment are mass sterilization devices that are required to prepare for various tests. The current units are 30 years old. One is completely non-functional, and sourcing replacement parts has proved impossible. The second machine is being run at a higher rate and may fail imminently.

CONSEQUENCES OF NEGATIVE ACTION

The Medical Examiner's Office will be forced to decrease the number of examinations that can be performed on a daily basis. This will result in a body backlog that will negatively affect families, police investigations, and the ability to prosecute criminal cases. In addition, the office will be out of compliance with New York State Article VI's requirement for Erie County to provide a fee schedule in line with real costs of providing service.

The Public Health Lab would be entering the busy beach season without sufficient equipment to conduct bacteriological tests.

STEPS FOLLOWING APPROVAL

The Health Department will work with the Division of Budget and Management, the Division of Information and Support Services and the Comptroller's Office to implement this request and take the appropriate steps necessary to implement the new fee schedule.

**A RESOLUTION SUBMITTED BY
HEALTH DEPARTMENT**

RE: Revised Fee Schedule-Erie County Department of Health Public Health Laboratory

WHEREAS, New York State Public Health Law, Article 6, requires that in order for a county to receive state aid it must charge for services at a rate comparable to the cost of providing these services; and

WHEREAS, the Erie County Health Department currently charges fees for Environmental Health, Medical Examiner, Public Health Laboratory and Clinical services under a fee schedule; and

WHEREAS, the Medical Examiner's Office has reviewed its fees and found that since their last change in 2008, the fees are out of balance and the office has developed a new proposed fee schedule; and

WHEREAS, the proposed amended fee schedule will generate revenues which will be directly applied to offset the cost of providing these programs and additional staffing; and

WHEREAS, it is estimated that this action will result in an annual revenue increase of approximately \$65,000 above the existing fee schedule; and

WHEREAS, the Erie County Public Health Laboratory is responsible for a wide array of public health tests in Erie County including beach water testing; and

WHEREAS, two key pieces of equipment (autoclaves) are non-functioning and well beyond the end of their expected lifespan and must be replaced; and

WHEREAS, at a recent meeting of the Capital Projects Committee, members suggested that the Public Health Laboratory not delay in replacing the autoclave and instead seek funding now.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the proposed fee schedule revisions effective June 1, 2015 as follows:

Medical Examiner Fees and Charges

	<u>2014 FEE</u>	<u>2015 FEE</u>
REPORTS (subject to legal restrictions)		
Examination Report	\$38.50	\$40
Certification Fee (includes notarization; does not include report fee)	NA	\$5

Investigation Report	NA	\$35
IMAGING/HISTOLOGY (subject to legal restrictions)		
Photo or X-ray Digital CD	\$22	\$25
Micro Slides - recuts	\$17	Per invoice
Micro Slides - special stains	\$55	Per invoice
AUTOPSY/EXAMINATIONS (Non-Contract Counties)		
Internal Examination with Toxicology [includes five hours pathologist review time (PRT)]	\$1,500	\$2,800
Partial Internal Examination with Toxicology	\$1,000	\$2,275
External Examination with Toxicology (includes three hours PRT)	\$550	\$1,800
External Examination (includes three hours PRT)	\$220	\$975
Pathologist Review Time Over Included Amount (per hour)	NA	\$200
Prisoner/Inmate Examination	\$1,650	\$2,800
Skeletal Evaluation	NA	\$2,050
Skeletal Evaluation - Non human remains	\$110	\$275
STATSCAN Full Body X-ray	NA	\$250
Dental Examination for Identification	\$100	\$170
Non-ECMEO Lab Testing Services	NA	Per invoice
Newborn Screening	NA	Per invoice
MISC FEES/SERVICES (billing in 1/2 hour increments for hourly services)		
Holding Fee (per 24 hours or part thereof)	\$27.50	\$27.50
Shipping Fee	NA	Per invoice
Forensic Investigator Response (responding in absence of a coroner)	NA	\$150
Body Transportation	\$220	\$220
Research Fee (statistical/data reporting requests (per hour)	NA	\$70
Paternity Testing Processing Fee	\$25	\$25

CRIMINAL COURT TESTIMONY/COURT ISSUES - Non-Contract Counties (billing in 1/2 hour increments for hourly services)			
Forensic Pathologist Criminal Court Testimony/Deposition - Out of County - hourly	\$165		\$475
Attorney Meeting with Forensic Pathologist - hourly	NA		\$150
Clerical Staff - Civil Case Requests - hourly	\$33		\$40
Non-ECMEO Consultants	NA		Invoice directly
CIVIL COURT TESTIMONY/COURT ISSUES (billing in 1/2 hour increments for hourly services)			
Forensic Pathologist Civil Court Testimony/Deposition - hourly	\$165		\$475
Civil Case Review/Consultation - hourly	NA		\$400
Clerical Staff - Civil Case Requests - hourly	\$33		\$40
TOXICOLOGY (Non-Contract Counties)			
Complete Post-Mortem Toxicology Testing	\$550		\$375
Drug Facilitated Sexual Assault (DFSA) kit	\$385		\$425
Driving Under Influence - Drugs	NA		\$390
Driving Under Influence - Alcohol	NA		\$85
Driving Under Influence - Drugs/Alcohol	NA		\$475
Discovery/Rosario Package Preparation (per page)	\$66 per hour		\$3 per page
TRAVEL EXPENSES			
Mileage - current IRS rate per mile for all out of county travel	NA		.575
Travel Expenses - hourly plus actual expenses	\$165		\$180

RESOLVED, that the Erie County Legislature hereby authorizes the creation of two full time positions of Autopsy Technician JG 8, Step 0 (\$34,170 annual salary) in the CSEA bargaining unit (B100# 8299) effective June 1, 2015; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the State University of New York at Buffalo to receive revenue for the pathology resident program at the Medical Examiner's Office; and be it further

RESOLVED, that the following budgetary adjustments to the 2015 Budget are hereby authorized:

Fund 110 - 2015 Budget
12740 – Medical Examiner's Division

<u>Expense Accounts</u>	<u>Increase/ (Decrease)</u>
500000 Full Time Salaries	\$ 34,170
502000 Fringe Benefits	21,185
Total	\$55,355
 415000 Medical Examiner's Fees	 \$65,640
Total	\$65,640

Fund 110 - 2015 Budget
12730 – Public Health Lab Division

<u>Expense Accounts</u>	<u>Increase/ (Decrease)</u>
561410 Lab & Technical Equipment	\$ 95,000.00
Total	\$95,000.00

Fund 110 - 2015 Budget
120- Social Services

<u>Expense Account</u>	<u>Increase/ (Decrease)</u>
525000 MMIS Medicaid Local Share	(\$95,000.00)
Total	(\$95,000.00)

and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the necessary budgetary transfers to provide funding for these two positions, record revenue, and the purchase of this equipment; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Commissioner Gale R. Burstein in the Erie County Department of Health.