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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2017

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

RE: Authorization to Contract with Forensic Pathologist Fee-for-Services

Dear Honorable Members:

Erie County Department of Health's Medical Examiner's Office is seeking legislative authorization to contract with one additional Fee-for-Service (FFS) Pathologist as an extension of the RFP for FFS pathology in May of 2017. Due to staffing changes within the group of FFS Pathologist who contract with Erie County, the Department seeks authorization to contract with one additional doctor.

Continued funding for this request is available through vacancy savings in the Medical Examiner's Office's Full Time Salary and Fringe Benefits lines.

Should your Honorable Body have any questions, please contact Commissioner of Health Dr. Gale Burstein.

Sincerely,

A handwritten signature in black ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

bqs
Enclosure

cc: Health Commissioner Gale R. Burstein, MD

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to Contract with Forensic Pathologist Fee-for-Service
Date: October 13, 2017

SUMMARY

Authorization is requested to enter into a contract with one individual fee-for-service pathologist associated with the respondents of an RFP issued by ECDOH.

FISCAL IMPLICATIONS

There are no immediate fiscal implications. Approximately \$100,000 in initial funding was made available through vacancy savings in the Full Time Salaries and Fringe Benefits accounts of the Medical Examiner's Division.

REASONS FOR RECOMMENDATION

The Associate Chief Medical Examiner departed the office on June 23rd. The Chief Medical Examiner has returned from medical leave but, this still leaves Erie County with a two Medical Examiners to cover a tremendous amount of work. An RFP was issued to solicit the services of FFS pathologists willing to travel to Buffalo on a rotating basis to fill these shifts. 6 respondents replied and all were deemed qualified and able to work the need shifts. Since then, some of those rotating pathologist have moved on to other contractors or have stopped doing FFS work. An additional FFS pathologist associated with the previous RFP applicants is available to be slotted in.

BACKGROUND INFORMATION

Due to the national shortage of Medical Examiner, several major counties including Onondaga and Monroe have successfully solicited the services of FFS pathologists to fill in when staffing shortages occurred. FFS pathologist in some cases work part-time or full-time at other offices and use their personnel leave to work in other jurisdictions. ECDOH previously followed RFP protocols to find qualified individuals, and identified vacancy savings to cover the initial cost of these contracts.

CONSEQUENCES OF NEGATIVE ACTION

The Erie County Department of Health- Division of the Medical Examiner would be hard pressed to meet timely goals. Major delays in homicide, suicide, motor vehicle, and drug overdose death investigations would occur. Significant impacts to the criminal justice system and court cases including homicides could occur.

STEPS FOLLOWING APPROVAL

The Health Department will work with the Division of Budget and Management, the Department of Law and the Office of the Comptroller to implement this request.

A RESOLUTION SUBMITTED BY
HEALTH DEPARTMENT

RE: Authorization to Contract with Forensic Pathologists Fee-for-Service

WHEREAS, the Erie County Department of Health provides forensic medical services through the Office of the Medical Examiner; and

WHEREAS, the need for expert pathological skills is critical for the function of the medical examiner's office; and

WHEREAS, the Erie County Medical Examiner's Office provides crucial support and determinations to the law enforcement community; and

WHEREAS, the Erie County Medical Examiner's Offices faces a temporary staffing shortage; and

WHEREAS, fee-for-service forensic pathology services are available to cover staffing shortages on an interim basis; and

WHEREAS, an RFP process was previously performed to solicit respondents willing to perform fee-for-service on a rotating basis in Erie County; and

WHEREAS, changes in availability have limited the ability of all of the respondents to continue working in Erie County necessitating the addition of one FFS pathologist on a short-term basis.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Jay Stahl-Herz, M.D.; and be it further

RESOLVED, that the Erie County Legislatures waives the RFP process for this individual contract; and be it further

RESOLVED, that the following fee scheduled is adopted for this contract based on **RFP# 1707VF**

Full autopsy	Partial autopsy	External Examination	Overnight on call	Testimony
\$1,200	\$600	\$400	\$200	\$1,000

and be it further;

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