

April 16, 2013

HEALTH & HUMAN SERVICES COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 1E-1 (2013)

**COMPTROLLER:** “EC Health Department Audit of Selected Grants”  
(4-0)

b. COMM. 6D-1 (2013)

**DEPARTMENT OF SOCIAL SERVICES:** “Copy of Legislative District Breakdowns of Poverty Levels & SCR Reports”  
(4-0)

c. COMM. 7M-3 (2013)

**ECMCC:** “2012 Annual Report”  
(4-0)

2. INTRO 7-3 (2013)

**MAZUR, GRANT, HOGUES & MARINELLI**

WHEREAS, the New York State Medicaid Redesign Team (MRT) has recommended that all Medicaid beneficiaries be enrolled in Medicaid managed care and that all services be included and paid for through managed care plans and/or similar risk-based arrangements by 2014; and

WHEREAS, Governor Cuomo’s Executive Order #84 of 2012 calls for a statewide plan to implement the landmark “Olmstead Decision” of 1999 to comply with the Americans with Disabilities Act’s requirement that people with disabilities be served in the most integrated setting appropriate to their needs; and

WHEREAS, Article XVII of the New York State Constitution establishes that the “aid, care support of the needy are public concerns and shall be provided by the state and by such of its subdivisions; and

WHEREAS, the implementation of full Medicaid Managed Care, Special Needs Plans, Behavioral Health Organizations and other Medicaid Redesign initiatives are anticipated to produce significant savings in State and Federal Medicaid spensin; and

WHEREAS, the State Department of Health has submitted a waiver proposal to the Center for Medicare and Medicaid Services (CMS) to reinvest \$10 billion of the federal share of MRT savings back into New York State health and mental hygiene services, supports and housing; and

WHEREAS, State investments in Medicaid reform initiatives have been enacted with corresponding State Budget reductions in local assistance for mental health services, and the suspension of NYS Mental Hygiene Law 41.55 known as the “Community Mental Health Support and Workforce Reinvestment Program;” and

WHEREAS, local assistance reductions and the suspension of the Community Reinvestment Law significantly limit the flexible community supports for people with serious mental illness who have diverse strengths and needs; and

WHEREAS, localities and providers are actively working to ease transitions of people with serious mental illness from correctional and other institutional settings, and to enhance their health, safety and stability in the community; and

WHEREAS, reductions in local assistance for community mental health are contrary to the need to build local service capacity and required local planning for “most integrated setting” treatment, support and institutional transitions for people with serious mental illness; and

WHEREAS, under Article 41 of Mental Hygiene Law, Erie County is charged with planning for such necessary services for all persons, in compliance with all federal, state and local laws.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call on the Governor and the New York State Department of Health to reinvest a portion of savings from Medicaid Managed Care and other Medicaid Redesign initiatives to allow localities to develop the needed community mental health services and supports, and to provide opportunities for ADA compliant living, responsible transitions from correctional and hospital settings and healthier communities; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew M. Cuomo; Nirav R. Shah, M.D., M.P.H, Commissioner of the NYS Department of Health; Kristin M. Woodlock, RN, MPA, Acting Commissioner of the Office of Mental Health; Ellery Reaves, MPA, Commissioner of the Erie County Department of Mental Health; Gale Burstein, M.D., Commissioner of the Erie County Department of Health and all others deemed necessary and proper.  
(4-0)

3. COMM. 7E-14 (2013)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health's Division of Health has two room available at the Jesse E. Nash Center located at 608 William St; and

WHEREAS, Erie County strives to collaborate with the NYS Department of Health whenever reasonable; and

WHEREAS, protecting the health of Erie Counties Fish-Eating population is an important task; and

WHEREAS, Health Research Incorporated has been contracted by NYS to study the safety of consuming Great Lakes fish; and

WHEREAS, Health Research Incorporated has offered to pay Erie County \$350 to utilize two rooms at 608 William St. one day a week; and

WHEREAS, Health Research Incorporated will utilize said space until 150 Erie County residents have been surveyed and tested.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract and receive reimbursement from Health Research Incorporated for the provision of office space; and be it further

RESOLVED, that the term of this contract shall commence on April 1, 2013 and end on December 31, 2013; 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.  
(4-0)

4. COMM. 7E-15 (2013)

**COUNTY EXECUTIVE**

WHEREAS, the Early Intervention program is a critical component of Erie County's Public Health apparatus; and

WHEREAS, the Early Intervention program assists any child with special needs and is a mandated service; and

WHEREAS, New York State has taken steps to streamline and cut costs associated with early intervention; and

WHEREAS, amendments to Section 2557, by Chapter 56 of the Laws of 2012 authorizes the New York State Department of Health to contract with a fiscal agent for the fiscal management and payment of early intervention claims.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Department of Health to facilitate payments to New York State and/or the New York State Department of Health's chosen fiscal agent under the Early Intervention Program; and be it further

RESOLVED, that the term of this contract shall commence on April 15, 2013; 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.  
(4-0)

**THOMAS J. MAZUR  
CHAIR**