

OCTOBER 7, 2008

HEALTH & HUMAN SERVICES COMMITTEE  
REPORT NO. 15

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 19M-11 (2008)  
**COLUCCI & GALLAHER, PC:** ECMCC Board of Director Meeting Minutes for Meeting Held 9/25/2008 (4-0)
2. INTRO 8-25 (2008)  
**IANNELLO AS AMENDED**  
WHEREAS, New York State empowered the Berger Commission to make recommendations regarding hospital consolidations and closings; and

WHEREAS, the prescribed sets of the enabling legislation have been fulfilled, these recommendations now have the force of state law; and

WHEREAS, the Commission maintains a website NYHealthCareCommission.org and has a section that contains the enabling legislation (section 9 page 298) where the recommendations for ECMC and Kaleida are found; and

WHEREAS the Commission recommended the NYS Health Commissioner Board of Trustees to implement the Commission recommendations by appointing a Joint Governance Board of Trustees regarding ECMC and Kaleida Health; and

WHEREAS, this Joint Governance Board of Trustees began meeting in September, 2007 and has since September 2007 intentionally and overtly excluded the public and all media from all information regarding such meetings; and

WHEREAS, these meetings have resulted in a merger agreement memorandum of understanding which is still withheld from the general public and the media; and

WHEREAS, Robert J. Freeman, Executive Director of the Committee on Open Government has rendered a legal opinion regarding the Open Meetings Law in relation to the Joint Governance Board of Trustees regarding ECMC and Kaleida Health; and

WHEREAS, this correspondence states and confirms that the Open Meetings Law has been broadly interpreted by the courts and the 1978 ruling of the Court of Appeals found that “any gathering of a quorum of a public body for the purpose of conducting public business is a ‘meeting’ that must be convened open to the public, whether or not there is intent to take formal action and regardless of the manner in which a gathering may be characterized.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, after due diligence and investigation, has deemed it to be, according to the Open Meetings Law and the decision of the Court of Appeals, that the Board of Trustees designated to “bring about a single unified joint governance of ECMC and Kaleida Health” follow the ruling set forth in the Open Meetings Law; and be it further

RESOLVED, that the people of Erie County have a vested interest in ECMC through their tax dollars and the people of Erie County and beyond, have learned to depend upon ECMC for expert medical care, they have a legal and moral right to be informed; and be it further

RESOLVED, that the Erie County Legislature calls upon the said Board of Trustees to produce all meeting announcements, meeting agendas, finances, funding sources, minutes and the Memorandum of Understanding for review by the general public on the aforementioned website; and be it further

RESOLVED this same information be made available to the media of Western New York, and this honorable body, the Erie County Legislature upon request; and be it further

RESOLVED, that all meeting notices, agendas and minutes of future meetings, financial records and future agreements or memorandums of understanding be made available to the media and this, the honorable body, the Erie County Legislature in a timely manner upon request of such information; and be it further

RESOLVED, that copies of this resolution be forwarded to the local news media, the members of the Joint Governance Board of Trustees, the Chairman of the Berger Commission, the WNY State delegation, the Erie County Executive and the Erie County Attorney.  
**(4-0)**

3. COMM. 19E-14 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Caregiver Support (III-E) grant and the Long Term Care Point of Entry (POE) program for the period January 1, 2008 to December 31, 2008; and

WHEREAS, the Department of Senior Services reviewed the program budgets and service objectives and desires to revise the related budgets to maximize use of federal and state funds; and

WHEREAS, the III-E and POE budgets need to be revised; and

WHEREAS, the POE program requires no local match, and there is no impact on the local match required for the III-E grant.

NOW, THEREFORE, BE IT

RESOLVED, that the III-E grant (163III-E2008) for the period January 1, 2008 to December 31, 2008, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
516020	Adult Day Care Services	\$148,500	-\$58,500	\$90,000
516020	Home Care Services	39,115	<u>58,500</u>	97,615
<b>TOTAL CHANGE</b>			<u><u>\$0</u></u>	

and be it further

RESOLVED, that the POE program (cost center 1632080) for the period January 1, 2008 to December 31, 2008, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>APPROPRIATIONS</b>				
502000	Fringe Benefits	\$21,707	-\$3,540	\$18,167
516020	Professional Services & Fees	67,000	3,960	70,960
916390	ID Senior Services Grant	0	38,260	38,260
980000	ID DISS Services	47,147	<u>-38,680</u>	8,467
<b>TOTAL APPROPRIATIONS</b>			<u><u>\$0</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department of Senior Services.  
(4-0)

4. COMM. 19E-15 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (III-C-1) and the Home Delivered Meal Program (III-C-2) grants for the period January 1, 2008 to December 31, 2008, and the Supplemental Nutrition Assistance Program (SNAP) grant for the period April 1, 2008 to March 31, 2009; and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final federal and state allocations; and

WHEREAS, the Department of Senior Services reviewed the program budgets and service objectives and desires to allocate the additional SNAP funds for meal preparation services for the home delivered meal program;

WHEREAS, the Department will be able to provide additional services to homebound seniors in Erie County that will allow them to remain in their own homes; and

WHEREAS, the Department contracts with Meals on Wheels for WNY, Inc.,(MOWs), to provide home delivered meals to homebound seniors in Erie County, and the contract with MOWs needs to be amended to reflect the additional funding; and

WHEREAS, the III-C-1, III-C-2 and SNAP grant budgets need to be revised, and

WHEREAS, the SNAP grant requires no local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional SNAP funds from New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with Meals on Wheels for WNY, Inc. as authorized herein, and be it further

RESOLVED, that the III-C-1 grant (163III-C-12008) for the period January 1, 2008 to December 31, 2008, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
414000 Federal Aid	\$1,446,947	-\$20,567	\$1,426,380
466330 Other Local Match	0	4,500	4,500
<b>TOTAL REVENUES</b>		<u><u>-\$16,067</u></u>	
<b>APPROPRIATIONS</b>			
516020 Professional Svs. and Fees-Food Prep	\$1,423,953	-\$20,567	\$1,403,386
510000 Local Mileage Reimbursement	10,500	3,000	13,500
530000 Other Expenses	900	4,500	5,400
916390 ID Senior Services Grant	37,375	-3,000	34,375
<b>TOTAL APPROPRIATIONS</b>		<u><u>-\$16,067</u></u>	

and be it further

RESOLVED, that the III-C-2 grant (163III-C-22008) for the period January 1, 2008 to December 31, 2008, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
Account Description			
414000 Federal Aid	\$760,677	-\$9,195	\$751,482
<b>TOTAL REVENUE</b>		<u><u>-\$9,195</u></u>	
<b>APPROPRIATIONS</b>			
516010 Meals on Wheels for WNY, Inc	\$1,231,148	-\$9,195	\$1,221,953
<b>TOTAL APPROPRIATIONS</b>		<u><u>-\$9,195</u></u>	

and be it further

RESOLVED, that the SNAP grant for the period April 1, 2008 to March 31, 2009, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
Account Description			
409000 State Aid	\$927,770	\$168,755	\$1,096,525
<b>TOTAL REVENUE</b>		<u><u>\$181,126</u></u>	
<b>APPROPRIATIONS</b>			
516010 Meals on Wheels for WNY, Inc	\$1,538,828	\$168,755	\$1,707,583
<b>TOTAL APPROPRIATIONS</b>		<u><u>\$181,126</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law and the Department of Senior Services.  
(4-0)

5. **COMM. 19E-18 (2008)**  
**COUNTY EXECUTIVE**

WHEREAS, a contract with The Bonadio Group in the amount of \$48,000 to review Community Medicaid cases was authorized in COMM. 21E-17 on November 29, 2007; and

WHEREAS, determining eligibility for self-employed Medicaid applicants/recipients is particularly challenging; and

WHEREAS, there is a need to review additional applications in long-term care Medicaid cases where under-reported income may result in costly medical assistance being provided to recipients who would otherwise not be eligible; and

WHEREAS, of 75 cases referred for audit 63 have been resolved with 60% (38 cases) denied, closed, or downgraded, resulting in an annualized cost avoidance of \$373,548 ; and

WHEREAS, there is no fiscal impact to this resolution as this contract will be fully reimbursed with Federal and State Medicaid administrative funds.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services, Fund 110, Department 120

		Current Budget	Changes	Amended Budget
APPROPRIATIONS				
Account	Description			
516020	Prof Ser Cnt and Fees	48,000	\$16,000	\$64,000
	Total Revenue	48,000	\$16,000	<u>\$64,000</u>
REVENUES				
407540	State Aid Soc Serv Admin	24,000	\$8,000	\$32,000
144540	Federal Aid Soc Serv Admin	24,000	\$8,000	\$32,000
	Total Appropriations	48,000	\$16,000	<u>\$64,000</u>

and, be it further

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to expand the contract with The Bonadio Group for audits of self-employed applicants for or recipients of Medicaid benefits and, be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(4-0)

**THOMAS J. MAZUR  
CHAIR**