

SCHEDULE A

AMENDMENT

between

THE COUNTY OF ERIE, a municipal corporation of the State of New York, having an office and place of business at 95 Franklin Street, Buffalo, New York 14202 (hereinafter referred to as the "County"),

and

GENERAL PHYSICIAN, P.C., a for-profit organization having its offices and principal place of business at 726 Exchange Street, Suite 522, Buffalo, NY 14210 (hereinafter referred to as the "Consultant")

WHEREAS, on or about January 1, 2012, the County entered into an agreement referenced by document number **12-537-HE** (the "Agreement") with Consultant pursuant to which Consultant was to provide approved cancer screening, diagnostic and treatment at its program enrolled sites; and

WHEREAS, the term of the Agreement was for a period of fifteen (15) months, commencing on January 1, 2012 and continuing through March 31, 2013, with an option to the parties to extend by mutual written consent for two additional periods of five years; and

WHEREAS, the County would like to exercise this first extension option for the period of April 1, 2013 through March 31, 2018.

WHEREAS, contrary to the intent of the parties, the Agreement stated that all medical records maintained in connection with Consultant services would belong to and remain the property of County.

New York State Department of Health Cancer Services Program
Program of Erie County
Maximum Reimbursement Schedule

Cancer Services

4/1/2013 - 3/31/2014

NOW, THEREFORE, in consideration of the promises and covenants herein, the parties agree as follows:

1. The Agreement between the County and the **GENERAL PHYSICIAN, P.C.**, is hereby extended for a period of five (5) years commencing on April 1, 2013 and continuing through March 31, 2018. Reimbursement for services rendered by Consultant shall be as stated in clause **FIRST** of the Agreement. The current reimbursement rates are set forth in Schedule A attached hereto and made a part hereof.

2. Clause **THIRD** of the Agreement is hereby deleted in its entirety and replaced by the following:

THIRD: All medical records, case histories, films and regular files concerning inpatients and outpatients of the **GENERAL PHYSICIAN, P.C.**, and its network of providers by Consultant during the term of this Agreement related to the performance of services as described in Schedule A shall belong to and remain the property of the Consultant; provided, however, that during the term of this Agreement and follow any terminating hereof, County shall, to the extent permitted under applicable laws governing confidentiality of medical records, have the right to inspect and be provided reproductions of such records. During the term of this Agreement, the parties shall allow each other reasonable access to their respective medical, financial and other records maintained in connection with the services provided pursuant to this Agreement, to the extent permitted under applicable laws governing the confidentiality of such records.

3. Clause **SIXTH** is hereby modified to add a new Subsection (c) as follows:

(c) The Consultant, upon sixty (60) days written notice to County, may terminate this Agreement without cause and shall be paid by County for all services rendered prior to the effective date of termination.

4. Clause **FOURTEENTH** is hereby amended as follows:

To the Consultant:

General Physician, P.C.
908 Niagara Falls Blvd., Suite 208
North Tonawanda, New York 14120
Attn: Pamela Larkin

5. Except as hereby expressly modified and supplemented, the Agreement, as amended, is in all respects ratified and confirmed, and the terms and conditions thereof shall be and remain in full force and effect, and this Amendment and all of its terms, provisions and conditions shall be deemed to be a part of the Agreement.

6. This Amendment shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

7. This Amendment may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument

IN WITNESS WHEREFORE, the parties have set their hand and seal as of the date first set out above.

COUNTY OF ERIE

By: _____
MARK POLONCARZ/RICHARD TOBE
County Executive/Deputy County Executive

Date: _____

APPROVED AS TO CONTENT:

By: (Electronically Signed) _____
GALE R. BURSTEIN, M.D., M.P.H.
Commissioner
Erie County Department of Health

Date: _____

Approved as to form:

By: (Electronically Signed) _____
GREG P. KAMMER
Assistant County Attorney

Date: _____

GENERAL PHYSICIAN, P.C.,

By: *[Signature]*

Date: 1/15/2014

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2013 ERIE COUNTY DEPARTMENT OF HEALTH
Contract /Amendment #: _____

New York State Department of Health Cancer Services Program
Maximum Reimbursement Schedule

Cancer Services Program of Erie County

4/1/2013 - 3/31/2014

Breast/Cervical Procedures	Guiding CPT Code(s)*	Upstate Rates
Screening mammogram - bilateral (film or digital) **	77057	\$ 87.58
Screening mammogram - bilateral diagnostic (film or digital) **	77056	\$ 110.15
Screening mammogram - unilateral diagnostic (film or digital) **	77055	\$ 87.20
Assessment, education and CBE	99201	\$ 36.39
Assessment, education and pelvic exam with Pap test	99201	\$ 36.39
Repeat CBE	Half of 99201	\$ 18.20
Diagnostic mammogram - unilateral (film or digital) **	77055	\$ 87.20
Diagnostic Breast ultrasound	76645	\$ 84.43
Fine needle aspiration biopsy with image guidance	10022	\$ 123.53
Pre-operative ultrasonic needle localization and wire placement	76942+19290	\$ 311.18
Core biopsy	19100	\$ 124.50
Incisional biopsy	19101	\$ 283.66
Excisional biopsy	19120	\$ 405.38
Stereotactic biopsy procedures- with standard core biopsy	7031+19100+19295+76098	\$ 340.48
Stereotactic biopsy procedures with vacuum assisted rotating device	7031+19103+19295+76098	\$ 682.50
Pre-operative mammographic needle localization and wire placement	77032+19290	\$ 182.23
Colposcopy without biopsy	57452	\$ 92.95
Colposcopy with cervical biopsy and ECC	57454	\$ 134.32
Colposcopy with one or more cervical biopsies	57455	\$ 122.45
Colposcopy with ECC	57456	\$ 115.81
Endometrial biopsy (for AGCUS pap only)	58100	\$ 93.92
Vacuum-assisted biopsy with US guidance	19103+76942	\$ 640.04
High Risk HPV DNA Hybrid Capture 2 or Cervista HR	87621	\$ 49.71
Pap smear cytology, conventional	88164	\$ 14.97
Pap smear cytology, liquid based prep	88142	\$ 26.24
Fluid cytology, Breast and nipple, (Not vaginal / cervical)	88173	\$ 119.39
Diagnostic LEEP/LEETZ	57461	\$ 277.76
Diagnostic Cone Biopsy- Cold knife or Laser	57520	\$ 262.17
Article 28 Facility Fee - Diagnostic LEEP/LEETZ, etc	APC 0193	\$ 1,299.79
Article 28 Facility Fee - Core Biopsy	APC 0005	\$ 513.50
Article 28 Facility Fee - Incisional/Excisional Biopsy	APC 0028	\$ 1,605.79
Colorectal Procedures		
FIT	82274	\$ 17.64
Colonoscopy	45378	\$ 340.38
Colonoscopy w/biopsy single or multiple	45380	\$ 406.71
Colonoscopyw/removal of tumor(s), polyp(s) by hot biopsy...	45384	\$ 403.34
Colonoscopyw/removal of tumor(s), polyp(s) by snare technique	45385	\$ 457.74
Sigmoidoscopy	45330	\$ 120.99
Sigmoidoscopy with polypectomy	45333	\$ 256.87
Flexible sigmoidoscopy with biopsy	45331	\$ 144.76
Radiological exam: colon, barium enema	74270	\$ 135.34
2nd Technique-Colonoscopydirbx		\$ 82.2
Article 28 Facility Fee - Colonoscopy	APC 0158	\$ 523.18
Article 28 Facility Fee - Sigmoidoscopy	APC 0146	\$ 392.22
Other Procedures		
Surgical consultation	99203	\$ 89.92
Anesthesiologist fee	n/a	\$ 150.00
Chest X-ray	71020	\$ 26.36
CBC - Complete Blood Count pre-operative testing	85025	\$ 10.95
EKG	93000	\$ 16.20
Surgical pathology - Level IV	88305	\$ 90.63

* CPT codes for reference only; other CPT codes that fulfill the service/procedure as listed may be reimbursed at these rates.

** Digital mammography and or mammography with CAD is reimbursed at the conventional film rate.

New York State Department of Health Cancer Services Program
Maximum Reimbursement Schedule

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and be it further

RESOLVED, that authorization is hereby granted to transfer appropriations between accounts including contract amounts within the respective grants to reflect the outcome of negotiations with the grantors and with sub-contract agencies; and be it further

RESOLVED, that authorization is hereby granted for further revisions, including changes to the approved grant total amounts, in accordance with state, federal and other grantor approval.

25. RESOLVED, that the County Executive is hereby authorized to enter into contracts with the New York State Department of Health (NYSDOH) and Susan G. Komen for the Cure, WNY Affiliate, for the provision of clinical services based upon NYSDOH assigned rates for the Partners for Prevention, Cancer Services Program of Erie County; and be it further

RESOLVED, that the necessary funds to cover the costs of these contracts have been appropriated in the 2013 budget; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts and amendments to those contracts, with the following organizations in whatever form of incorporation they maintain along with their subsidiaries, affiliates and practice groups to provide Public Health Services in order to assure continuation of vital services:

- A. Kamil Alpsan, MD
- Academic Medicine Services
- ACM Medical Laboratory
- American Cancer Society
- Amherst Diagnostic Imaging, d/b/a WNY Women's Imaging
- Amherst OB/GYN Associates
- Bertrand Chaffee Hospital
- Buffalo Diagnostic Imaging, d/b/a Buffalo MRI
- Buffalo Gastroenterology Associates
- Buffalo Medical Group
- Buffalo State College – Weigel Health Center
- Burns MD and Hage MD
- Catholic Health System
- Center for Ambulatory Surgery
- Community Health Center of Buffalo
- Delaware Surgical Group
- Diagnostic Imaging Associates
- Diagnostic X-Ray Service, Amherst Radiology
- Diane M. Sanfillipo, MD
- Endoscopy Center of Western New York
- Erie County Medical Center Corporation
- Gastroenterology Associates
- General Physician
- Genesee Val Grp Hlth Assoc. d/b/a – Lifetime Hlth
- Gynecologic Oncology Association of Western NY
- Jericho Road Family Practice
- John M. Budzinski, MD
- Kaleida Health System