



Robert P. Astorino
County Executive

Department of Social Services

Grant E. Mitchell, MD
Acting Commissioner

15453

DATE: November 19, 2010

TO: Honorable Board of Acquisition and Contract

FROM: Grant E. Mitchell, MD
Acting Commissioner

SUBJECT: Resolution authorizing the County of Westchester to enter into contracts with twenty-six (26) vendor agencies listed on 'Schedule A' attached hereto for the provision of Consumer Directed Personal Assistance Program Services under Title XIX of the Social Security Act and in accordance with Sections 365-f and 367-p(c) of the Social Services Law for the period beginning January 1, 2011 and continuing indefinitely unless terminated by either party upon thirty (30) days prior written notice for an amount not to exceed \$15 million to be paid pursuant to an approved budget and subject to appropriation

We are hereby requesting authorization for the County of Westchester to enter into agreements with twenty-six (26) vendor agencies listed on 'Schedule A' attached hereto for the administration of Consumer-Directed Personal Assistance Program Services (CDPAP) under Title XIX of the Social Security Act and in accordance with Sections 365-f and 367-p(c) of the Social Services Law for the period beginning January 1, 2011 and continuing indefinitely unless terminated by either party upon thirty (30) days prior written notice for an amount not to exceed \$15 million. New York Social Services Law mandates that each local district ensure access to a CDPAP, allowing persons receiving home care pursuant to this Title to hire and direct their own caregivers. It is to be noted that the addition of these cases does not affect the aggregate number of Title XIX Personal Care cases or the appropriation because the CDPAP represents a choice in the provision of services for existing Personal Care recipients and does not add new cases to the total number of Personal Care cases.

The CDPAP rates are set by the New York State Department of Health based on cost data supplied by the providers. The Department of Social Services requests authority from your Honorable Board to conform the contract rates to the revised CDPAP rates should

such rates change during the contract term. The total aggregate amount of these contracts for 2011 is provided for in the attached resolution. Annual aggregate amounts of the CDPAP contracts for 2012 and beyond will be provided in the Westchester County Annual Budget for succeeding years.

Current utilization of the CDPAP is approximately 299 cases. There has been no increase in the amount requested for 2011. These agreements are exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (viii) therein which exempts contracts for medical or health-related services.

This contract serves a **public purpose** by enabling eligible participants to take an active, responsible role in planning their care, thus improving the quality of life for the chronically ill and the disabled of Westchester County.

The **goals and objectives** of CDPAP's are to allow individuals receiving home care under the Medical Assistance program greater flexibility and freedom of choice in obtaining such services.

These **goals and objectives are in the best interest of the County** as regards **public health** in that this program provides a means of alternative, self-directed care for chronically ill and/or physically disabled individuals of Westchester County.

Furthermore, **these goals and objectives are in the best interest of the County from a fiscal perspective** in that the individual consumer recruits, interviews, hires, trains, supervises, schedules, and, if need be, dismisses the Personal Assistant of his/her choice, thereby eliminating the administrative costs that would be incurred if an agency were employed to do those same things. CDPAP is less costly than other forms of home care under the Medical Assistance program for the aforementioned reason.

The **goals and objectives are monitored** on an on-going basis using compliance indicators established through the collaboration of the Department and an independent auditor.

The Department is able to report that in 2010, the Consumer Directed Personal Assistance Program agencies successfully served 299 cases. All of the agencies satisfactorily delivered services in their roles as fiscal intermediaries and paymasters of record for the Consumers' Personal Assistants.

Accordingly, the County of Westchester is requesting authority to enter into the agreements with the agencies listed on 'Schedule A' attached hereto for the aforesaid purpose.

A resolution requesting the same is attached for your Honorable Board's approval.

RESOLUTION

Upon a communication from the Acting Commissioner of the Department of Social Services, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into agreements with twenty-six (26) vendor agencies listed on 'Schedule A' attached hereto for the provision of Consumer Directed Personal Assistance Program under Title XIX of the Social Security Act and in accordance with Sections 365-f and 367-p(c) of the Social Services Law for the period beginning January 1, 2011 and continuing indefinitely unless terminated by either party upon thirty (30) days prior written notice an amount not to exceed \$15 million to be paid in accordance with rates approved by the New York State Department of Health during the contract term pursuant to an approved budget; and be it further

RESOLVED, that the County of Westchester is hereby authorized to conform the contract rates to the revised CDPAP rates should such rates change during the contract term; and be it further

RESOLVED, that these contracts are subject to County Appropriation; and be it further

RESOLVED, that these Agreements are also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of these Agreements. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate these Agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is empowered to execute any document necessary to implement this resolution.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	101	22	8900	5760	_____	\$14,650,000
2011	101	22	8900	5650	_____	\$350,000

Budget Funding Year(s) 2011 Start Date: 1/1/11 End Date: N/A
(must match resolution)

\$15,000,000

Funding Source

Tax Dollars: _____ } Included in Medicaid Cap

State Aid: _____ } Included in Medicaid Cap

Federal Aid: _____ } Included in Medicaid Cap

Other _____

\$15 million

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 12-16-2010 - JOMAR VERA, SECRETARY

Schedule "A"

Accentcare of New York, Inc. d/b/a Comprehensive Home Care
A & J Homecare, Inc.
All Metro Health Care
Any-Time Home Care, Inc.
Azor, Inc. Licensed Home Care Service Agency
Best Care, Inc.
Chrislex Staffing, Ltd. d/b/a J&K Healthcare Services
Concept: Care, Inc.
Concepts of Independent Choices, Inc.
Family Services of Westchester, Inc.
Family Service Society of Yonkers
Grace Church Community Center, Inc. d/b/a Neighbors Program
Health Acquisition Corp. d/b/a Allen Health Care Services
Home Health Services of Westchester Jewish Community Services, Inc.
J&P Watson, Inc. d/b/a Interim Health Care of Rockland & Orange Counties
Maxim of New York, L.L.C.
New York Health Care, Inc.
People Care, Inc.
Personal Touch Home Care of Westchester, Inc.
Priority Home Care, Inc.
Recco Home Care Service, Inc.
South Shore Home health Services, Inc.
Unlimited Care, Inc.
Visiting Nurse Association Home Health Services, Inc.
VIP Health Care Services, Inc.
Westchester Care at Home, Inc.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 12-16-2010
JOSMARY VIEIRA, SECRETARY