

**41663**

**DATE:** July 31, 2014

**TO:** Board of Acquisition and Contract

**FROM:** Sherlita Amler, M.D.  
Commissioner of Health

**RE:** Resolution authorizing the County of Westchester to enter into an agreement with the Westchester County Health Care Corporation (the "Corporation") wherein the Corporation would provide post exposure evaluation and follow-up medical services to employees of the Westchester County Department of Health for potential exposure to blood-borne pathogens, for a term commencing June 1, 2014 through May 31, 2019, payable by the County on a per patient basis at the then current worker's compensation rates, in the total not to exceed amount of Twelve Thousand Five Hundred (\$12,500.00) Dollars

As your Honorable Board is aware, Section 3307(4) of the New York Public Authorities Law requires the approval of the Board of Legislators and Board of Acquisition and Contract for agreements between the County and the Westchester County Health Care Corporation (the "Corporation"). Accordingly, on July 14, 2014, the Westchester County Board of Legislators adopted Act No. 2014-127 which authorized the County of Westchester, acting by and through its Department of Health ("WCDH"), to enter into an agreement with the Corporation whereby the Corporation would provide post exposure evaluation and follow-up medical services to employees of the WCDH for potential exposure to blood-borne pathogens. Services will be provided from June 1, 2014 through May 31, 2019. The County shall pay the Corporation on a per patient basis at the then current worker's compensation rates in the not to exceed amount of Twelve Thousand Five Hundred (\$12,500.00) Dollars for the five year term of the Agreement. In addition, the County shall defend, indemnify and hold harmless the Corporation, its officers, employees and agents from and against any and all liability damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the County or third parties under the direction or control of the County.

The Agreement will require the Corporation to use any funds paid by the County for the Corporation's costs for providing post exposure evaluation and follow-up medical services to employees of the WCDH for potential exposure to blood-borne pathogens (including but not limited to staff salaries) and will also require the Corporation, upon the County's written request, to provide a semi-annual accounting to verify that the funds were spent in this manner.

The public purpose, goals and objectives of this agreement are to protect the public health and general welfare of County residents, WCDH clinic patients and WCDH employees by ensuring that WCDH employees that have potential exposure to blood-borne pathogens receive the appropriate post exposure evaluation and follow-up medical services to prevent and contain the spread of the blood-borne pathogens to both patients and other WCDH staff, should an exposure occur.

The tracking and monitoring of this agreement includes employee specific referrals by WCDH and evaluation by the Corporation. A written report is prepared and submitted to the WCDH within fifteen (15) days after completion of the medical evaluation.

A Resolution authorizing the County to enter into this agreement is attached hereto for your consideration.

I recommend your favorable consideration of the annexed proposed Resolution.

Attachment

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

- RESOLVED,** that the County of Westchester, acting by and through its Department of Health, is authorized to enter into an agreement with the Westchester County Health Care Corporation (the "Corporation") wherein the Corporation shall provide post exposure evaluation and follow-up medical services to employees of the Department of Health for potential exposure to blood-borne pathogens. The County shall pay the Corporation on a per patient basis at the then current worker's compensation rates in the not to exceed amount of Twelve Thousand Five Hundred (\$12,500.00) Dollars for the five year term of the agreement; and be it further
- RESOLVED,** that the term of this agreement shall be from June 1, 2014 through May 31, 2019; and be it further
- RESOLVED,** that the County shall defend, indemnify and hold harmless the Corporation, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the County or third parties under the direction or control of the County; and, be it further
- RESOLVED,** that the agreement will contain a clause requiring the Corporation to use the monies paid by the County under the agreement to pay the Corporation's costs for providing these health care services (including but not limited to staff salaries) and require a semi-annual accounting by the Corporation to the County Commissioner of Health to verify that the funds were spent in this manner; and be it further
- RESOLVED,** that this agreement is subject to County appropriations; and be it further
- RESOLVED,** that this agreement is also subject to further financial analysis of the impact of the New York State Budget ("State Budget") proposed and adopted during the term of the agreement. The agreement shall contain a provision that 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 the 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 State Budget on County finances. After such analysis, the County shall retain the right to either terminate the agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to WCHCC, then WCHCC shall have the right to terminate the agreement upon reasonable prior written notice; and be it further
- RESOLVED,** that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this Resolution in the manner prescribed by law.

Department of Health  
County of Westchester  
10 County Center Road, 2<sup>nd</sup> Floor  
White Plains, New York 10607  
July 31, 2014

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
101	27	0010	4380		\$1,460 (2014)
101	27	0010	4380		\$2,500 (2015)
101	27	0010	4380		\$2,500 (2016)
101	27	0010	4380		\$2,500 (2017)
101	27	0010	4380		\$2,500 (2018)
101	27	0010	4380		\$1,040 (2019)

Budget Funding Year(s)

(must match resolution) 2014 - 2019 Start Date 06/01/14 End Date 05/31/19

Funding Source	Tax Dollars	\$8,000 (64%)
	State Aid	\$4,500 (36%)
<b>\$12,500</b>	Federal Aid	
(must match resolution)	Other	

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/04/2014 - JOMPRY WELLS, SECRETARY