

Robert P. Astorino
County Executive

Department of Social Services

Kevin McGuire
Commissioner

Philippe Gille
First Deputy Commissioner

55377

DATE: February 16, 2017

TO: Board of Acquisition and Contract

FROM: Kevin McGuire
Commissioner, Department of Social Services

SUBJECT: Resolution authorizing the County of Westchester to enter into contracts with the agencies listed below for the provision of Title XIX funded home care services in the Assisted Living Program (ALP) for the period December 1, 2016 through November 30, 2017 for an aggregate amount not to exceed \$12,000,000 to be paid pursuant to an approved budget and subject to appropriations at the rates approved by the New York State Department of Health

The County of Westchester is hereby requesting permission to enter into contracts with the following agencies for the provision of Title XIX funded home care services to Medicaid recipients eligible for the Assisted Living Program for the period from December 1, 2016 through November 30, 2017 for an aggregate amount not to exceed \$12,000,000 to be shared non-exclusively with these ALP vendors and other vendors to be named at a later date, subject to approval by the Program Office and by the state, to be paid pursuant to an approved budget and subject to appropriations at the current rates established by the New York State Department of Health and attached hereto as Schedule "A" or at such other rates as may be approved by the New York State Department of Health during the contract term:

- Catharine Field Home d/b/a The Seabury at Fieldhome
- Crestview Manor Home for Adults
- Westchester ALP Management, LLC d/b/a Westchester Center for Independent and Assisted Living
- Mount Vernon Assisted Living Program, Inc.

The Assisted Living Program offers another option for people who require more care and supervision than can be provided in their homes through Personal Care alone, but who do not require the extensive care available through a nursing home. The Assisted Living Program was established to serve individuals who are eligible for Nursing Home Placement, but whose medical needs can be met in a less costly and less restrictive setting. This Program meets the needs of such individuals by combining the residential services of an adult home with supportive home care services. The home care services covered are: nursing, personal care, therapies, medical supplies, adult day health care and emergency response system. These services will be

reimbursed according to the attached rate schedule as currently set by the New York State Department of Health (attached hereto as Schedule "A"), or at such other rates as may be approved by the New York State Department of Health during the contract term.

The Assisted Living Program (ALP) will serve a **public purpose** by providing resident services, medical assistance services, and case management services to the eligible elderly, frail and disabled recipients, and, at the same time, ensuring their independence, personal dignity, and freedom of choice in a less costly and less restrictive alternative to a Nursing Home.

The **goals and objectives** of this agreement are:

1. To increase the capacity of Westchester County's community based long term care services system to serve greater numbers of people now and in the future
2. To provide a cost effective level of care for Medical Assistance recipients in need of residential and home care services

These **goals and objectives are in the best interests of the County in terms of public health** as they are aimed at providing an alternate level of care for Westchester County Medical Assistance recipients whose placement choices were previously limited to residential health care facilities. Further, they are in the **best interests of the County regarding fiscal responsibility** in that Assisted Living Program services are provided at a fifty (50%) per cent lower cost than residential health care facility services, thereby lessening the burden on the taxpayer. The not to exceed amount is based upon the projected number of Medicaid beds that will be available through these contracts in 2016-17. The funds appropriated for these contracts will only be accessed as requested by Medicaid recipients eligible for ALP through the Medical Services Office with pre-approvals.

Assisted Living Programs are approved to operate and are overseen by the New York State Department of Health. The local social services' district will monitor complaints and infractions as they occur and report them to the state. The providers of this service bill Medicaid directly. The state still needs the Local Department of Social Services (LDSS) to enter into contracts with the ALP providers.

The **Department is able to report** that all Medicaid beds were utilized under the 2015-16 contract. The Assisted Living Programs provide the Medical Services staff with the required documentation incidental to every case in a timely manner. All reviews of the contractor's performance have been satisfactory, including the paper reviews.

The NYS Department of Health certifies and issues the licenses to the ALP providers. They are selected through an RFA ("Request For Application") process by NYSDOH. These providers do not bill DSS, but directly bill and get paid by the Medicaid office. Though the funding is federal, state and local, it falls under the Local Statutory CAP of MMIS. These providers are located in the Westchester County. However, DSS neither involves in their operations, nor monitors their services. Because the County is not involved in the process of selecting these providers, the Department does not issue an RFP.

These contracts are exempt from the Westchester County Procurement Policy pursuant to Section 3(a) xii of that document.

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

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into contracts with the agencies listed below to provide home care services to individuals in the Assisted Living Program under Title XIX of the Social Security Act for the period from December 1, 2016 through November 30, 2017 for an amount not to exceed \$12,000,000 to be paid pursuant to an approved budget at the current rates set by the New York State Department of Health and attached hereto as Schedule "A" or at such other rates as may be approved by the New York State Department of Health during the contract term

- Catharine Field Home d/b/a The Seabury at Fieldhome
- Crestview Manor Home for Adults
- Westchester ALP Management, LLC d/b/a Westchester Center for Independent and Assisted Living
- Mount Vernon Assisted Living Program, Inc.

and be it further

RESOLVED, that these Contracts are subject to County Appropriations;
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
2016	101	22	8900	5760	-----	\$1,000,000
2017	101	22	8900	5760	-----	\$11,000,000

Budget Funding Year(s): 2016-2017 Start Date: 12/1/16 End Date: 11/30/17
(must match resolution)

Funding Source

The funding for this program is subject to MMIS Medicaid CAP

Tax Dollar 0%
State Aid: 50%
Federal Aid: 50%

\$12,000,000
(must match resolution)

Other

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/16/2017 - LISAMRIJA SECRETARY

**SCHEDULE A
ASSISTED LIVING PROGRAM – 2016-2017
DAILY REIMBURSEMENT RATE SCHEDULE**

RUG II CATEGORY	Westchester Rate Amount
CA 3309	\$75.79
BA 3317	\$75.20
PA 3323	\$63.72
PB 3325	\$81.74
RA 3301	\$116.38
RB 3303	\$126.75
SA 3305	\$113.75
SB 3307	\$124.76
CB 3311	\$98.17
CC 3313	\$104.63
CD 3315	\$119.75
BB 3319	\$91.01
BC 3321	\$101.39
PC 3327	\$91.01
PD 3329	\$97.59
PE 3331	\$108.90

CA = CLINICALLY COMPLEX A
 BA = SEVERE BEHAVIORAL A
 PA = REDUCED PHYSICAL FUNCTIONING A
 PB = REDUCED PHYSICAL FUNCTIONING B
 RA = HEAVY REHABILITATION A
 RB = HEAVY REHABILITATION B
 SA = SPECIAL CARE A
 SB = SPECIAL CARE B
 CB = CLINICALLY COMPLEX B
 CC = CLINICALLY COMPLEX C
 CD = CLINICALLY COMPLEX D
 BB = SEVERE BEHAVIORAL B
 BC = SEVERE BEHAVIORAL C
 PC = REDUCED PHYSICAL FUNCTIONING C
 PD = REDUCED PHYSICAL FUNCTIONING D
 PE = REDUCED PHYSICAL FUNCTIONING E

APPROVED BOARD OF ACQUISITION CONTRACT - 03/16/2017 - LISA MRIJAJ, SECRETARY