



George Latimer
County Executive

Department of Social Services

Kevin McGuire
Commissioner

61736

DATE: February 23, 2018

TO: Honorable Board of Acquisition and Contract

FROM: Kevin McGuire
Commissioner

SUBJECT: Authority to amend a Resolution authorizing the County of Westchester to enter into contracts with vendor agencies for the provision of Consumer Directed Personal Assistance Program Services under Title XIX of the Social Security Act 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 in order to include an additional agency at no additional cost to the County.

By resolution approved on December 16, 2010, and subsequently amended on May 24, 2012, your Honorable Board authorized the County of Westchester to enter into agreements with the vendor agencies listed on Schedule "A" attached herein, 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 on January 1, 2011 and continuing indefinitely until terminated by either party upon thirty (30) days prior written notice in an amount not to exceed \$15 million (the "Resolution"). The contracts were subsequently executed.

Authority is now requested to amend the Resolution to add the agency listed below to the list of agencies already approved to provide CDPAP services:

A&A Staffing Health Care Serv.

The amendment is to the Resolution because the contract with this agency has not been executed.

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.

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, thereby 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.

Except as specifically amended hereby, all other terms and conditions of the Resolution shall remain the same.

Accordingly, the County of Westchester is requesting authority to amend the Resolution for the aforesaid purpose. A resolution requesting the same is attached for your Honorable Board's approval.

KMM/DI

RESOLUTION

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

RESOLVED, that the Resolution approved by your Honorable Board on December 16, 2010 and subsequently amended on May 24, 2012 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 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 (the "Resolution"), is hereby further amended in order to include the agency listed below:

A&A Staffing Health Care Serv.

and be it further

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

RESOLVED, that except as provided herein, all other terms and conditions of the Resolution shall remain the same; 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
N/A	N/A	N/A	N/A	N/A	\$N/A

Budget Funding Year(s): N/A
(must match resolution)

Start Date: N/A End Date: N/A

Funding Source

Tax Dollars: N/A
State Aid: N/A
Federal Aid: N/A

\$N/A
:

APPROVED BOARD OF ACQUISITION & CONTRACT 03/22/2018 - LISA MURPHY SECRETARY

Schedule "A"

Accentcare of New York, Inc. d/b/a Comprehensive Home Care
ACS Home Care LLC
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.
PHC Services, Ltd.
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.