



George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**67419**

Date: December 13, 2018

To: Board of Acquisition and Contract

From: Kevin M. McGuire  
Commissioner

Re: Authority to amend a Resolution authorizing the County of Westchester to enter into agreements with vendor agencies for Title XIX Personal Care Services under the Social Security Act in order to add the new agency listed below to the group of already approved agencies providing Personal Care Title XIX services.

Through a resolution approved on December 4, 2003 and subsequently amended on December 8, 2011 and on July 26, 2012, your Honorable Board authorized the County of Westchester ("County"), acting through the Department of Social Services ("Department"), to enter into agreements with vendor agencies for Title XIX Personal Care Services under the Social Security Act for a term to commence on January 1, 2004 and continuing indefinitely until terminated by either party upon thirty (30) days prior written notice. The "evergreen clause" was incorporated upon the recommendation of the New York State Department of Health to allow these agreements to continue indefinitely until terminated by either party with or without cause after serving proper notice.

Authority is now requested to further amend the aforesaid resolution in order to add the new agency listed below to the group of already approved agencies providing Personal Care Title XIX services (See Schedule "A" attached).

- Preferred Home Care of New York

Please note that the agreement with this agency will take effect upon execution and will continue indefinitely until terminated by either party upon thirty (30) days prior written notice.

This agreement serves a **public purpose** through the provision of personal home care services to Westchester's Medical Assistance recipients.

The **goals and objectives** of Title XIX contract are to monitor, strengthen and safeguard the functioning of the medical assistance recipients in their homes, with an ultimate goal of obtaining the maximum rehabilitation and self-sufficiency possible.

The **goals and objectives are in the best interest of the County as regards public health and safety** in that the services provided through this contract support the highest level of health and safety possible in the recipient's own home, and promote the delivery of care which addresses the specific needs of the elderly, sick, incapacitated or disabled.

These **goals and objectives are in the best interest of the County from a fiscal perspective** in that one of the Department's specific goals in administering this program through the Title XIX contracts is to monitor that the services provided to the recipients are medically necessary and appropriate and to ensure that these services are provided in a cost-effective manner.

Title XIX of the Social Security Act requires states to create Medical Assistance programs to furnish personal care services to needy individuals. The County, as an agent of the New York State Department of Social Services, administers this program locally and receives reimbursement for the provision of these services from New York State and the Federal government.

The **goals and objectives are monitored** by the Department and through audits conducted by an independent auditor. If any agency fails to meet the specifications, the Department will move to terminate the contract. Complaints received by the Department are duly evaluated and acted upon if deemed necessary.

The Department is able to report that in 2011-15, an average of 2300 cases received Personal Care Services authorized by the County through agreements with providers. All providers successfully delivered services pursuant to Title XIX of the Federal Social Security Act and applicable state law.

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

Except as specifically amended hereby, all other terms and conditions of the original resolution as amended shall remain the same. The Amendment is to the resolution because the contract with the agency has not been executed.

We are respectfully requesting your Honorable Board's approval of the annexed Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/21/2019 - LISA MIJAJ, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the Resolution approved by your Honorable Board on December 4, 2003 and subsequently amended on December 8, 2011 and on July 26, 2012, authorizing the County of Westchester (“County”), acting by and through its Department of Social Services (“Department”), to enter into agreements with vendor agencies for Title XIX Personal Care Services under the Social Security Act for the period January 1, 2004 and continuing indefinitely until terminated by either party upon thirty (30) days prior written notice is hereby amended in order to add the agency indicated below to the list of already approved agencies;

- Preferred Home Care of New York

and be it further

**RESOLVED**, that term of the agreement with the newly added agency will commence upon execution and will continue indefinitely until terminated by either party upon thirty (30) days prior written notice; and be it further

**RESOLVED**, that except as specifically amended hereby, all other terms and conditions of the resolution approved on December 8, 2003, as amended on December 8, 2011 and July 26, 2012, shall remain the same; and be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

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

Budget Funding Year(s): N/A      Start Date: upon execution      End Date: N/A  
(must match resolution)

Funding Source

Tax Dollars : N/A

State Aid : N/A

N/A  
(must match resolution)

Federal Aid: N/A

Other:      N/A

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/21/2019 - USA MR/IAJ, SECRETARY