

42697

Date: October 15, 2014

To: Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Kevin M McGuire
Commissioner of Social Services

Re: Authority for the County of Westchester to enter into an agreement to retain, at County expense, the law firm of Whiteman Osterman & Hanna, LLP for the provision of legal representation on behalf of the County in connection with obtaining recovery of medical assistance reimbursements that may be owed by New York State to the County.

Authority is respectfully requested for the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Whiteman Osterman & Hanna, LLP ("WOH") for the provision of legal representation on behalf of the County in connection with obtaining recovery of medical assistance reimbursements that may be owed by New York State (the "State") to the County.

WOH will identify codes and claims within the Medicaid system to determine the identity of certain individuals whose Medicaid payments should have been paid one hundred percent (100%) by the State, but were not because of errors in coding by the State. WOH will pursue reimbursement by identifying medical assistance recipients and working with the County to obtain reimbursement from the State. In addition, WOH will provide, as needed, legal representation in connection with associated proceedings and filings.

Under the proposed Agreement, WOH will be paid at a rate of thirty-six percent (36%) of all recoveries, reimbursements and offsets received by the County. The term of the Agreement shall commence upon execution and have a term of three (3) years unless terminated by either party upon thirty (30) days written notice.

Authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof has been requested by your Honorable Board in accordance with a separate resolution of even date herewith.

Authority is also being respectfully requested to approve the law firm of Nancy Rose Stormer, P.C. to act as a sub-consultant to WOH in connection with this work.

The goal and objective of the proposed Agreement is to retain counsel in order to provide the County with the specialized knowledge and expertise necessary obtain recovery of medical assistance reimbursements that may be owed from the State. The proposed Agreement will serve a public purpose by providing the County with the specialized knowledge and expertise necessary to obtaining recovery of medical assistance reimbursements from the State. The goal and objective of the proposed Agreement will be tracked and monitored by the Office of the County Attorney and the Department of Social Services.

The County Board of Legislators authorized the proposed Agreement on October 6, 2014 by Act No. 2014-179.

I respectfully recommend the adoption of the attached Resolution.

RFM/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION, SECRETARY

RESOLUTION

Upon a communication from the County Attorney and the Commissioner of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Whiteman Osterman & Hanna, LLP ("WOH") for the provision of legal representation on behalf of the County in connection with obtaining recovery of medical assistance reimbursements that may be owed by New York State (the "State") to the County; and be it further

RESOLVED, that the Agreement will be for a term of three (3) years, commencing upon execution, unless terminated by either party upon thirty (30) days written notice; and be it further

RESOLVED, that under the Agreement, WOH will be paid at a rate of thirty-six percent (36%) of all recoveries, reimbursements and offsets received by the County; and be it further

RESOLVED, that the Agreement will authorize WOH to enter into a subcontract with the law firm of Nancy Rose Stormer P.C. to act as sub-consultant to WOH in connection with the Agreement; and be it further

RESOLVED that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and 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
101	22	8900	5650		
101	22	8900	9717		

Budget Funding Year(s): 2014-17 Start Date: 11/1/14 End Date: 10/31/17
(must match resolution)

Funding Source Tax Dollars: _____
 State Aid: _____
\$ _____ Federal Aid: _____
 (must match resolution) Other: _____