



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

53353

DATE: November 1, 2016

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner of Social Services

SUBJECT: Authority for the County of Westchester to amend its agreement with Island Peer Review Organization, Inc. d/b/a IPRO for Medicaid compliance reviews and related services, by extending its term by up to one (1) year.

By a resolution approved on November 21, 2012, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Island Peer Review Organization, Inc. d/b/a IPRO ("IPRO"), pursuant to which IRPO was to conduct Medicaid compliance reviews and provide related services to the County, for the period from September 1, 2012 through August 31, 2013, with the County having the option to extend the agreement for three (3) additional one-year terms, for an amount not-to-exceed \$454,409 for the initial term (the "Original Agreement"). The Original Agreement was subsequently executed.

Based on authority from resolutions approved by your Honorable Board on September 26, 2013, October 23, 2014, April 2, 2015, June 25, 2015, and April 14, 2016, the County subsequently amended the Original Agreement five (5) times, such that the Original Agreement, as amended, (the "Agreement") is now for a term of September 1, 2012 through December 31, 2017, and for a total amount not-to-exceed \$1,141,965.00.

As noted above, under the Agreement, IPRO provided the County with Medicaid compliance reviews. These compliance reviews were audits of certain County service-providers, who were identified by the County in collaboration with the New York State Office of the Medicaid Inspector General ("OMIG"), in order to ensure that such providers' billing practices were in compliance with New York State's requirements and uncover Medicaid fraud, waste, and abuse. If the practices of a provider were found to not be in compliance with New York

State's requirements, OMIG and the County could pursue from such provider a recovery of any inappropriate payments. In such situations, IPRO would provide the County with services related to, and based upon, its compliance review, such as testifying at proceedings and providing pre-litigation and litigation services, in the form of documents, interviews, depositions, etc., as may be required.

As of February 28, 2015, IPRO was, in accordance with the terms of its agreement with the County, no longer performing new compliance reviews. However, as explained in previous submissions to your Honorable Board, portions of the work contemplated by the agreement remained to be completed by IPRO, including the performance of exit conferences and providing the County with the above-described related services, including providing assistance to the County with the hearing/appeal process a provider could pursue if the County and/or OMIG sought to recover any inappropriate payments. Accordingly, the County sought and received authority from your Honorable Board to extend the term of the agreement, via a series of amendments, through December 31, 2016, in order to keep the term of the agreement from expiring until IPRO had provided all of the services initially contemplated by the Original Agreement, and allow the County to pay IPRO for work performed on existing matters during the extended term, at no additional cost to the County (i.e., nothing in excess of the previously-authorized not-to-exceed amount).

Currently, there is an appeal pending from only one (1) service-provider. This service-provider is pursuing an appeal regarding each of two (2) matters, which are known as Mayoor 11-2997 and Mayoor 11-2995. For those matters, IPRO may have to provide testimony, or otherwise provide assistance to the County, as services related to, and based upon, the compliance review it performed for the County for that service-provider. At present, the County has no control over, and has no way of determining, when such testimony or other assistance might be necessary, as scheduling is controlled by the service-provider and OMIG.

Therefore, in order to help ensure that the term of the Agreement is continued until IPRO's assistance with the above-described, last matters is no longer required, authority is now respectfully requested for the County to amend the Agreement by extending its term such that its new termination date will be the sooner of a.) December 31, 2017, or b.) such time as all remaining hearings and/or other elements of the appeals process related to the outstanding matters known as Mayoor 11-2997 and Mayoor 11-2995 have been exhausted and the County, therefore, no longer requires additional services from IPRO under the Agreement (the "Amendment"). As has been the case for all work performed by IPRO since March 1, 2015, any work it performs during the extended term of the Agreement would be at no additional cost to the County (i.e., nothing in excess of the previously-authorized not-to-exceed amount).

Except as described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Amendment will serve a public purpose by ensuring that the County receives from its consultant the services it needs regarding matters pending with OMIG.

The goal and objective of the proposed Amendment is to ensure that the County receives from its consultant the services it needs regarding matters pending with OMIG.

The goal and objective of the proposed Amendment is in the best interests of the County in terms of fiscal responsibility, as it will ensure that the County receives from its consultant the services it needs regarding matters pending with OMIG, which are ultimately aimed at ensuring that the billing practices of one of the County's service-providers were in compliance with New York State's requirements, and uncovering Medicaid fraud, waste, and abuse.

The goal and objective of the proposed Amendment will be tracked by the staff of the Department of Social Services.

I respectfully recommend the adoption of the attached Resolution.

KMM/PW/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/22/2016 - LISI, MARIA SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to amend its agreement (the “Agreement”) with Island Peer Review Organization, Inc. d/b/a IPRO (“IPRO”), pursuant to which IPRO was to conduct Medicaid compliance reviews and provide related services to the County, for the period from September 1, 2012 through December 31, 2016, for an amount not-to-exceed \$1,141,965.00, by extending the term of the Agreement such that its new termination date will be the sooner of, a.) December 31, 2017, or b.) such time as all remaining hearings and/or other elements of the appeals process related to the outstanding matters known as Mayoor 11-2997 and Mayoor 11-2995 have been exhausted and the County, therefore, no longer requires additional services from IPRO under the Agreement (the “Amendment”); and be it further

RESOLVED, that all services provided by IPRO during the extended term of the Agreement will be at no additional cost to the County, in that the total amount to be paid to IPRO shall not exceed the current not-to-exceed amount of the Agreement; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of 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 Start Date: 09/01/2012 End Date: 12/31/2017
(must match resolution)

Funding Source Tax Dollars: N/A
 State Aid: N/A
\$0.00 Federal Aid: N/A
 (must match resolution) Other: N/A