

**53972**

**DATE:** December 16, 2016

**TO:** Board of Acquisition and Contract

**FROM:** Sherlita Amler, MD  
Commissioner of Health

**RE:** Authorization to enter into Agreements with Various Providers (as identified below), to provide Tuberculosis ("TB") Clinic Patient Chest X-Rays and other Radiological Tests and Interpretations as needed, for the Period 3/1/17 through 2/28/18, in the Total Aggregate Not-to-Exceed Amount of \$26,000, with each Provider to be paid Pursuant to an Approved Budget at the same rates as negotiated by the Westchester County Department of Health and to authorize Westchester County to indemnify the Providers pursuant to the Agreements

The Westchester County Department of Health (the "WCDH") seeks authorization to enter into agreements with various providers (as identified below), to provide Tuberculosis ("TB") clinic patient chest x-rays and other radiological tests and interpretations as needed, for the period from 3/1/17 through 2/28/18, in the total aggregate not-to-exceed amount of \$26,000, with each provider to be paid pursuant to an approved budget at the same rates as negotiated by the WCDH.

Providers:

Montefiore New Rochelle Hospital  
Montefiore Mount Vernon Hospital  
Phelps Memorial Hospital Association, d/b/a Phelps Memorial Hospital Center & Phelps Hospital  
St. Joseph's Hospital, Yonkers, d/b/a St. Joseph's Medical Center  
White Plains Hospital Medical Center  
Hudson Valley Hospital Center, d/b/a New York-Presbyterian/Hudson Valley Hospital

We were recently notified by Hudson Valley Hospital Center that "New York-Presbyterian/Hudson Valley Hospital" has been made its doing business as ("d/b/a") name. Also, Phelps recently notified us of a clarification to its operating entity name and a change to its d/b/a names.

Attached hereto is a resolution which, if approved by your Honorable Board, would authorize the County to enter into the agreements with each of the Providers.

Authority is being further requested to add the following indemnification language to the proposed agreements:

"That in addition to, and not in limitation of the County's standard insurance provisions, the Provider(s) and the County agree that each shall indemnify and hold harmless the other for the amount of damage incurred by one from the other's negligence, errors or omissions in the performing of the agreement hereunder."

In order to promote the public health, safety and general welfare of Westchester County residents, and in accordance with New York State Public Health Law, the WCDH must ensure for the appropriate diagnosis, care and treatment of patients with suspected and/or confirmed cases of TB. Chest x-rays and other radiological studies are a recognized diagnostic method used to determine the clinical status of these patients. All patients that receive chest x-rays and other radiological tests and interpretations as needed are screened and referred by WCDH clinics.

For 2016 year to date, the WCDH had approximately 1,400 TB clinic visits and 210 chest x-rays were performed by the Providers.

These local Providers constitute a community health and safety last resort back stop and therefore are valuable partners with the WCDH and its TB clinic patients.

The goal and objective of this program is to reduce the incidence of TB related illness among all age groups throughout the County by ensuring comprehensive and follow up medical care for all confirmed TB patients. Radiological testing and diagnosis is an early detection method and part of a complete TB curative plan that will help contain the spread, prevention and management of this disease as well as decrease treatment costs for the underinsured/uninsured.

The program is tracked and monitored by the electronic recording of all hospital referrals and through review and audit of individual patient records and monthly service lists for each hospital. All confirmed or suspect TB cases are entered into the Health Information Network (HIN) using the required information/forms to generate monthly management reports which are used by the WCDH to monitor case loads, service utilizations rates and payments for rendered services. Payments to all providers are made in accordance pursuant to an approved budget at the same rates as negotiated by the WCDH, and are eligible for State aid reimbursement from the New York State Department of Health.

These agreements are exempt from the Westchester County Procurement Policy under Section 3 (a) viii under contracts for medical and/or health-related services.

Your approval of the attached Resolution is respectfully requested.

Attachment

/SA/dc

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Health (the "WCDH"), is hereby authorized to enter into agreements with various Providers (as set forth in the attached Schedule "A"), to provide TB clinic patient chest X-rays and other radiological tests and interpretations as needed, for the period from 3/1/17 through 2/28/18, in the total aggregate not-to-exceed amount of \$26,000, with each Provider to be paid pursuant to an approved budget at the same rates as negotiated by the WCDH; and, be it further

**RESOLVED**, that authority is being further requested to add the following indemnification language to the proposed agreements:

"that in addition to, and not in limitation of the County's standard insurance provisions, the Providers and the County agree that each shall indemnify and hold harmless the other for the amount of damage incurred by one from the other's negligence, errors or omissions in the performing of the agreement hereunder";

and, be it further

**RESOLVED**, that each of these agreements is subject to County appropriations; and, be it further

**RESOLVED**, that each of the agreements is subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the agreements. Each of the agreements shall contain a provision that 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 the State Budget or any amendments thereto, and for a reasonable period of time after such releases(s) or adoption(s) to conduct an analysis of the impacts of any State Budget on County finances. After such analysis, the County shall retain the right to either terminate the agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount and/or rate to any of the above Contractors, then the Contractor(s) shall have the right to terminate the Agreement upon reasonable prior written notice; and, be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate agreements or documents necessary to effectuate the purposes of this Resolution in the manner prescribed by law.

Department of Health  
County of Westchester  
10 County Center Road, 2<sup>nd</sup> Floor  
White Plains, New York 10607  
December 16, 2016

Original Agreement	\$
First Amendment	\$
<b>This Amendment</b>	\$
TOTAL	\$ _____

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010-HSSN	4238		\$21,667 (2017)
	101	27	0010-HSSN	4238		\$4,333 (2018)

Budget Funding Year(s) (must match resolution) 2017 - 2018 Start Date 3/1/17 End Date 2/28/18

Funding Source Tax Dollars \$16,640  
State Aid \$ 9,360  
**\$26,000** Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

**SCHEDULE "A"**

- Montefiore New Rochelle Hospital
- Montefiore Mount Vernon Hospital
- Phelps Memorial Hospital Association, d/b/a Phelps Memorial Hospital Center & Phelps Hospital
- St. Joseph's Hospital, Yonkers, d/b/a St. Joseph's Medical Center
- White Plains Hospital Medical Center
- Hudson Valley Hospital Center, d/b/a New York-Presbyterian/Hudson Valley Hospital