

54878

DATE: January 26, 2017

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner

RE: Authorization for the County of Westchester (the "County"), acting by and through its Department of Health, to enter into an agreement with the Westchester County Health Care Corporation (the "WCHCC") for a term from January 1, 2017 through December 31, 2021 whereby the County will refer County Department of Health ("WCDH") patients for late stage syphilis diagnosis by lumbar puncture, to be paid on a per patient basis at the current Medicaid rate, for a total amount not to exceed Six Thousand Dollars (\$6,000.00).

By Act No. 2017-13 adopted on January 23, 2017, the Westchester County Board of Legislators authorized the County of Westchester (the "County"), acting by and through its Department of Health (the "WCDH"), to enter into an agreement with the Westchester County Health Care Corporation (the "WCHCC") for a term from January 1, 2017 through December 31, 2021, whereby the WCDH will refer its patients for late stage syphilis diagnosis by lumbar puncture that the WCDH is unable to provide, to be paid on a per patient basis for the services provided at the current Medicaid rate, for a total amount not to exceed Six Thousand Dollars (\$6,000.00) (the "Agreement").

Attached hereto is a resolution which, if approved by your Honorable Board, would authorize the County to enter into the Agreement.

The services to be provided under the Agreement shall be paid by the County to the WCHCC on a per patient basis at no more than the current Medicaid rate for any WCDH referred patient who does not have medical insurance to pay WCHCC for the cost of its services rendered by it to such patients. The County shall be partially reimbursed by New York State for its expenditures under this Agreement.

The Agreement will require WCHCC to use any funds paid by the County for WCHCC's costs for providing the above diagnosis by lumbar puncture services (including but not limited to staff salaries) and will also require WCHCC, upon the County's written request, to provide a semi-annual accounting to verify that the funds were spent in this manner.

The County shall indemnify the WCHCC under the Agreement as follows:

The County shall defend, indemnify and hold harmless the WCHCC, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the negligent acts or omissions hereunder by the County or third parties under the direction or control of the County.

In addition, the WCHCC shall also indemnify the County in accordance with the language stated above, except that wherever the term "County" appears, the term "WCHCC" shall be substituted in its place.

The Agreement will serve the public health, safety and welfare of County residents by enabling the WCDH to refer its patients to the WCHCC to receive the necessary medical diagnoses and care to prevent the further spread of syphilis which is a serious sexually-transmitted communicable disease.

The Agreement's goals and objectives are to establish a working relationship with WCHCC to obtain services whereby the WCDH will refer its patients for late stage syphilis diagnosis by lumbar puncture for which the WCDH is unable to provide.

The services to be provided under this Agreement will be tracked and monitored through professional consultations between physicians and clinicians of both WCHCC and WCDH regarding the care and medical diagnoses of the referred WCDH patients, as well as joint review of all medical, laboratory and/or diagnostic reports and other necessary information.

This Agreement is exempt from the Westchester County Procurement Policy under Section 3(a) (viii) regarding contracts for medical or health-related services.

Accordingly, your Board's approval of the attached resolution is most respectfully requested.

/dc

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/23/2011 LISA MERRAJ, SECRETARY

RESOLUTION

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

- RESOLVED,** that the County of Westchester (the "County"), acting by and through its Department of Health ("WCDH"), is hereby authorized to enter into an agreement with the Westchester County Health Care Corporation (the "WCHCC") for a term from January 1, 2017 through December 31, 2021, whereby the WCDH will refer its late stage syphilis patients for diagnosis by lumbar puncture that the WCDH is unable to provide, for a total amount not to exceed Six Thousand Dollars (\$6,000.00) (the "Agreement"); and, be it further
- RESOLVED,** that the services to be provided under the Agreement shall be paid by the County to the WCHCC on a per patient basis at no more than the current Medicaid rate for any WCDH referred patient who does not have medical insurance to pay WCHCC for the cost of its services rendered; and, be it further
- RESOLVED,** that the County shall be partially reimbursed by New York State for its expenditures under this Agreement; and, be it further
- RESOLVED,** that the County shall defend, indemnify and hold harmless the WCHCC, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the negligent acts or omissions hereunder by the County or third parties under the direction or control of the County; and, be it further
- RESOLVED,** that the Agreement will require WCHCC to use any funds paid by the County for WCHCC's costs for providing the above diagnosis by lumbar puncture services (including but not limited to staff salaries) and will also require WCHCC, upon the County's written request, to provide a semi-annual accounting to verify that the funds were spent in this manner; and, be it further
- RESOLVED,** that this Agreement is subject to County appropriations; and, be it further
- RESOLVED,** that the Agreement is also subject to further financial analysis of the impact of the New York State Budget ("State Budget") proposed and adopted during the term of the agreement. The agreement 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 release(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 agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to WCHCC, then WCHCC 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 and deliver any and all instruments and to take all actions necessary or appropriate to accomplish the purpose of this resolution.

Department of Health
County of Westchester
10 County Center Road, 2nd Floor
White Plains, New York 10607
January 26, 2017

Original Agreement \$
 First Amendment \$
This Amendment \$ _____
 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 | 4380-65 | |
| | 101 | 27 | 0010-HSSN | 4380-65 | | \$1,200 (2018) |
| | 101 | 27 | 0010-HSSN | 4380-65 | | \$1,200 (2019) |
| | 101 | 27 | 0010-HSSN | 4380-65 | | \$1,200 (2020) |
| | 101 | 27 | 0010-HSSN | 4380-65 | | \$1,200 (2021) |
| | | | | | | |

Budget Funding Year(s)
 (must match resolution) 2017-2021 Start Date 01/01/17 End Date 12/31/21

Funding Source Tax Dollars \$3,840 (64%)
 State Aid \$2,160 (36%)
\$6,000
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - LISA MRIJAJ, SECRETARY