



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

[85041]

DATE: May 4, 2021

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

SUBJECT: Authority to enter into an agreement with The Eliot at New Rochelle, LLC for the provision of home care services to Medicaid recipients eligible for the Assisted Living Program, funded under Title XIX of the Social Security Act, for the period from April 1, 2021 until the agreement is terminated pursuant to its terms.

Authority is requested for the County of Westchester (the "County") to enter into an agreement with The Eliot at New Rochelle, LLC ("The Eliot"), pursuant to which The Eliot will provide home care services to Medicaid recipients eligible for the Assisted Living Program ("ALP"), funded under Title XIX of the Social Security Act, for the period from April 1, 2021 until the agreement is terminated pursuant to its terms (the "Agreement").

In 1994, by administrative directive 94 ADM-9, New York State mandated that a contract be executed between the operator of an ALP and the social services district in which the ALP is operating. The contract was to establish the role of the ALP as a provider of home care services under Title XIX of the Social Services Act. New York State provided a model contract that was mandated to be used by each social services district for each such contract with an operator of an ALP. This administrative directive allowed each social services district to add additional local requirements to the mandated model contract via an appendix. In 2010, by General Information System message GIS 10 OLTC/008, New York State updated the mandated model contract for use for ALPs outside of New York City. The proposed Agreement will be on the current mandated model contract terms, with applicable County terms added to the model in the manner permitted by New York State.

Operators of ALPs provide ALP services to recipients of Medical Assistance and each operator directly bills, and is paid by, New York State, rather than the County. Accordingly, under the Agreement, The Eliot will not be paid by the County.

The proposed Agreement will serve a public purpose by increasing the capacity of Westchester County's community-based long-term care services system through the availability of an additional ALP, which will provide eligible persons with various necessary services in a less-costly and less-restrictive setting than a nursing home and ensure their independence, personal dignity, and freedom of choice.

The goal and objective of the proposed Agreement is to increase the capacity of Westchester County's community-based long-term care services system through the availability of an additional ALP, which will provide eligible persons with various necessary services in a less-costly and less-restrictive setting than a nursing home and ensure their independence, personal dignity, and freedom of choice.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health and welfare, as increasing the capacity of Westchester County's community-based long-term care services system through the availability of an additional ALP, and providing eligible persons with various necessary services in a less-costly and less-restrictive setting than a nursing home and ensuring their independence, personal dignity, and freedom of choice, will ultimately support the health and welfare of such persons.

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

NYSDOH provides authority for each operator to operate an ALP; the County does not grant any authority on its own and does not solicit for new ALPs. Therefore, the proposed Agreement does not constitute procurement.

I respectfully recommend the adoption of the attached resolution.

LGT/DS/bdm/nn

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement with The Eliot at New Rochelle, LLC (“The Eliot”), pursuant to which The Eliot will provide home care services to Medicaid recipients eligible for the Assisted Living Program, funded under Title XIX of the Social Security Act, for the period from April 1, 2021 until the agreement is terminated pursuant to its terms (the “Agreement”); and be it further

RESOLVED, that the Agreement shall be on the current New York State-mandated model contract terms, with applicable County terms added to the model in the manner permitted by New York State; and be it further

RESOLVED, that, under the Agreement, The Eliot will not be paid by the County; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes 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

Budget Funding Year(s): _____ Start Date: 04/01/21 End Date: Until Termination
(must match resolution)

Funding Source
\$0.00
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: _____