

88748

DATE: November 9, 2021

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authority to enter into an agreement with Robert Rothman, d/b/a Empirepro, pursuant to which Robert Rothman will provide professional services for the Westchester County Department of Health's pharmacy operations that serve its District Office Sexually Transmitted Disease ("STD"), Tuberculosis ("TB") and Adult & Child Immunization Clinics (the "standard Clinics") and for professional services in support of the COVID-19 vaccination program occurring at the WCDH District Office and at any other community "pop-up" COVID-19 vaccination clinics that are being held throughout the County, for the period January 1, 2022 through December 31, 2022, for a total amount not-to-exceed \$235,000, payable at the hourly reimbursement rates as stated in Schedule "A".

Authority is hereby requested for the County of Westchester (the "County"), acting by and through its Department of Health ("WCDH"), to enter into an agreement with Robert Rothman, d/b/a Empirepro ("Robert Rothman"), pursuant to which Robert Rothman will provide professional services for the Westchester County Department of Health's pharmacy operations that serve its District Office Sexually Transmitted Disease ("STD"), Tuberculosis ("TB") and Adult & Child Immunization Clinics (the "standard Clinics"), and for professional services in support of the COVID-19 vaccination program occurring at the WCDH District Office and at any other community "pop-up" COVID-19 vaccination clinics that are being held throughout the County, for the period January 1, 2022 through December 31, 2022, for a total amount not-to-exceed \$235,000, payable at the hourly reimbursement rates as stated in Schedule "A".

As an Article 28 provider, the WCDH has both a regulatory and public health requirement to provide continuous pharmacy operations services for its clinic patients, and patients served at community "pop-up" COVID-19 vaccination clinics. Therefore, it is in the best interests of the County to enter into an agreement with Robert Rothman.

Under the terms of the proposed agreement, for the standard Clinics, Robert Rothman will provide to the WCDH as per current NYS Board of Pharmacy regulations, a NYS licensed and currently registered supervising pharmacist, and any other appropriate NYS licensed and registered pharmacist(s) and pharmacy technician(s) or others who can perform all necessary services required to fill patient prescriptions and repack medications both in liquid and pill form, that are dispensed in the district office clinics; assist with the ongoing support and refinement of a web-based electronic health record system, which includes an integrated pharmacy system for district office-based medical providers to order medications and electronically send prescriptions for dispensing by the pharmacy; ensure that WCDH's pharmacy system meets and complies with NYSED Office for Professions and FDA regulatory requirements for dispensing, tracking and managing pharmaceuticals and potential medication recalls, managing inventory and ordering and repackaging of bulk supplies of pharmaceuticals.

In addition, Robert Rothman will continue to provide the additional Services necessary to support the COVID-19 vaccination clinics held at the WCDH Clinic Facility located at 134 Court Street, White Plains, NY, and at any other community "pop-up" COVID-19 vaccination clinics that are being held throughout the County. Robert Rothman and his staff have continued to demonstrate their ability to provide these additional Services supporting the COVID -19 vaccination program since the program has commenced, which activities include but are not limited to, recruiting pharmacists to staff the COVID clinics, overseeing and organizing vaccine supply for all the clinics and scheduling of staff etc. . The vaccination program has been operated in strict adherence with the Updated Guidance for the New York State COVID 19 Vaccination Program issued on March 30, 2021.

Robert Rothman and his professional staff support the vaccination program during all the days and hours that the Clinics operate. Such activities include, but are not limited to, careful and accurate inventory of COVID-19 vaccines according to NYSDOH and FDA guidelines, constituent products or ancillary supplies the WCDH has received, compliance with vaccine manufacturer instructions on cold chain management and CDC guidance in vaccine storage and handling to ensure vaccine shelf life (the "Services").

As of 11/08/21, the WCDH teams have administered over 63,000 doses of COVID vaccine products to County residents. While the Westchester Community College ("WCC") COVID vaccination clinic site has since closed, numerous community "pop-up" vaccination clinics have been held and continue to be scheduled, especially with the vaccine having been approved for children ages 12 and older and pursuant to government vaccine mandates. Moreover, with the advent of a third vaccine booster shot on the horizon, additional Services will also be required of Robert Rothman for this projected effort. In addition, the COVID-19 pediatric vaccination program is scheduled to begin on 11/10/21, at the White Plains DO and at several schools located throughout Westchester. It is estimated that there are over 80,000 children between ages 5 to 11 years of age in Westchester who would be eligible to receive the vaccination.

This proposed agreement will promote the public health and general welfare of County residents by providing the required supervision of WCDH's pharmacy operations in order to ensure compliance with state regulations regarding the repackaging and correct dispensing of patient-specific medications. In lieu of having personnel to perform these services, Robert Rothman will provide these services to the WCDH on an as-needed basis. The goal is to ensure that WCDH clinic patients who are being treated and monitored for critical communicable diseases, such as STDs and TB, receive their prescriptions in accordance with proper clinical and treatment regimens, in addition to providing the required additional supervision to ensure that the vaccination program is operating in strict adherence with the Updated Guidance for the New York State COVID 19 Vaccination Program.

One objective is to minimize the public health risk by providing pharmacological intervention to these patients with TB and STDs and improve their overall well-being. This is consistent with the goal to manage and contain the WCDH's overall costs of maintaining and operating its pharmacy operations. The secondary objective includes, but is not limited to, careful and accurate inventory of COVID-19 vaccines, constituent products or ancillary supplies the WCDH has received, compliance with vaccine manufacturer instructions on cold chain management and CDC guidance in vaccine storage and handling to ensure vaccine shelf life.

The standard Clinics will be tracked and monitored by WCDH's clinician monthly reviews of medications dispensed and accuracy for orders by requesting clinics, ongoing assessment of other contracted pharmacy operations and data collection through the electronic medical record system. In addition, pharmacy operations staff and clinicians will meet semi-annually to review and update the medication formulary and dispensing protocols. On an annual basis, approximately 7,500 prescription medications are repackaged and labeled for patients treated in the district office clinics.

The COVID-19 vaccination program will be tracked and monitored by Robert Rothman, as lead Pharmacist, to ensure the tracking of all vaccine doses received and administered by the WCDH vaccine team at all dispensing locations, maintaining and archiving logs of patients receiving COVID vaccines administered under the supervision of WCDH, and supervising all other professional pharmacy staff and maintaining work schedules for same who will be assigned to provide onsite support at all vaccine sites.

It should be noted that the proposed Agreement is being partially funded with funds provided to the County under the American Rescue Plan Act (ARPA) Sec. 603. Coronavirus Local Fiscal Recovery Fund (the "Fund"). It is believed that, similar to the handling of the Coronavirus Relief Fund, monies provided under the Fund are not subject to the Federal procurement rules in 2 CFR Part 200.317 through Part 200.326. Therefore, pursuant to Section 13(d) of the Westchester County Procurement Policy, the ordinary County procurement rules apply to this procurement. Accordingly, the procurement of the proposed Agreement is exempt from the ordinary County procurement rules pursuant to Section 3(a)(viii) of the Westchester County Procurement Policy.

Approval of the attached resolution is respectfully requested.

Attachment(s)

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/02/2021 - RAYMOND SCULKY, SECRETARY

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 (“WCDH”), is authorized to enter into an agreement with Robert Rothman, d/b/a Empirepro (“Robert Rothman”), pursuant to which Robert Rothman will provide professional services for the Westchester County Department of Health’s pharmacy operations that serve its District Office Sexually Transmitted Disease (“STD”), Tuberculosis (“TB”) and Adult & Child Immunization Clinics (the “standard Clinics”), and for professional services in support of the COVID-19 vaccination program occurring at the WCDH District Office and at any other community “pop-up” COVID-19 vaccination clinics that are being held throughout the County, for the period January 1, 2022 through December 31, 2022, for a total amount not-to-exceed \$235,000, payable at the hourly reimbursement rates as stated in Schedule “A”; and, be it further

RESOLVED, that under the terms of the proposed agreement, Robert Rothman will provide to the WCDH as per current NYS Board of Pharmacy regulations, a NYS licensed and currently registered supervising pharmacist, and any other appropriate NYS licensed and registered pharmacist(s) and pharmacy technician(s) or others who can perform all necessary services required to fill patient prescriptions and repack medications both in liquid and pill form, that are dispensed in the district office clinics; assist with the ongoing support and refinement of a web-based electronic health record system, which includes an integrated pharmacy system for district office-based medical providers to order medications and electronically send prescriptions for dispensing by the pharmacy; ensure that WCDH’s pharmacy system meets and complies with NYSED Office for Professions and FDA regulatory requirements for dispensing, tracking and managing pharmaceuticals and potential medication recalls, managing inventory and ordering and repackaging of bulk supplies of pharmaceuticals, and provide professional guidance and support to ensure the pharmacy complies with NYSDOH and FDA regulatory requirements; and, be it further

RESOLVED, that under the terms of the proposed agreement, Robert Rothman will provide the additional Services necessary to support the COVID-19 vaccination clinics held at the WCDH Clinic Facility located at 134 Court Street, White Plains, NY, and at any other community “pop-up” COVID-19 vaccination clinics that are being held throughout the County, and to ensure the vaccination program continues to operate in strict adherence with the Updated Guidance for the New York State COVID 19 Vaccination Program issued on March 30, 2021; and, be it further

RESOLVED, that this Agreement is subject to County Appropriations; and, be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. 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 a 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 such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this 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 contracts 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, 2nd Floor
 White Plains, New York 10607

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 – 4000-HSSN	4380/39		\$ 85,000
	101	27	0010 – 5600-HSSN	4998/02		\$150,000

Budget Funding Year(s) (must match resolution)	2022	Start Date	1/01/22	End Date	12/31/22
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Funding Source	Tax Dollars	\$ 150,400	(64%)
	State Aid	\$ 84,600	(36%)
\$235,000	Federal Aid		
(must match resolution)	Other		

Schedule "A"

Contract Reimbursement Rates

Supervising Licensed & Registered Pharmacist: \$95 per hour

Additional Licensed & Registered Pharmacists: \$95 per hour

Pharmacy Technician: \$40 per hour