

**HEALTH AND MENTAL HEALTH COMMITTEE
MINUTES**

**TUESDAY, MARCH 19, 2019
4:00 P.M.**

PRESENT: James D. O'Donnell, Chairman
Michael Amo, Mike Anagnostakis, Kevindaryán Luján, Janet Sutherland,
Laurie R. Tautel, Peter V. Tuohy

ALSO

PRESENT: L. Stephen Brescia, Chairman
Katie Bonelli, Majority Leader
Barry J. Cheney, Legislator
Rob Sassi, Legislator
Antoinette Reed, Legislative Counsel
Harry Porr, Acting County Executive
Dan Bloomer, Director, Operations and Cost Control
Darcie Miller, Commissioner of Social Services and Mental Health
Todd Craner, Fiscal Director, Department of Social Services
Irina Gelman M.D., Commissioner of Health
Christopher Ericson, Deputy Commissioner of Health
Michael Ventre, Deputy Commissioner of Health
Robert Deitrich, Director, Community Health Outreach
Darcie Miller, Commissioner of Social Services and Mental Health
Laurence LaDue, Commissioner, Valley View Center
Donna Strecker, Director of Finance, Valley View Center
Tessy Joseph, Deputy Commissioner, Valley View Certified Home Health
Agency (CHHA)
Anthony Sole, Director of Plant Operations, Valley View Center
Karin Hablow, Commissioner of Finance
Kerry Gallagher, Deputy Commissioner of Finance
Colleen Grogan, Chief Budget Analyst
Gretchen Riordan, Budget Analyst
Garth Van Meter, Vice President, Governmental Affairs for Smart Approach to Marijuana
Bob Driscoll, Senior Associate, Empire Strategy

Mr. O'Donnell opened the committee meeting at 4:00 p.m. and asked everyone to stand for the Pledge of Allegiance. All committee members were present.

Mr. Tuohy moved request to accept
and appropriate funds for the Adolescent
Tobacco Use Prevention (ATUPA) grant
from the NYSDOH for the period 4/1/19 –
3/31/20, \$97,198.00, seconded by Mr. Luján.

Dr. Gelman explained that they conducted 324 compliance checks, 309 adult registration compliance checks with 12 sales made to minors in 2018 and \$9,150.00 in fines collected. The ATUPA program staff met all workplan goals with 4 tobacco vendor trainings held and 23 certificates earned during the 2018 period.

Mr. O'Donnell asked about vape sales to minors. Mr. Ericson replied that things have been done with respect to vaping programs and while they had some buys, they were not enforceable.

Mr. O'Donnell asked for clarification. Mr. Ericson explained that they do not see many vape programs because they are expensive with most tobacco sting operations happening primarily with tobacco products.

Dr. Gelman added that Robert Deitrich, Director, Community Health Outreach has been working on several measures to ensure vaping products are being incorporated.

Ms. Tautel asked that Dr. Gelman provide the committee with additional information on vaping at next month's meeting. She explained that many schools are very concerned as it is becoming more and more prevalent and they need to get ahead of it in Orange County.

Mr. Ericson clarified that vaping is part of the Clean Indoor Air Act which includes school grounds.

Mr. Luján stated that he spoke to Mr. O'Donnell and Dr. Gelman with respect to Rockland County's Local Law on secondhand smoke with several lawmakers in Rockland County offering to share that information with them along with a few coalitions that have offered to speak to the committee. He addressed banning cigarette smoking in cars to eliminate secondhand smoke on children and the elderly, making county parks "smoke free zones" and banning the sale of tobacco products in pharmacies. In his opinion, this is a measure they should be implementing and with the chairman's permission he would like this discussed at next month's meeting.

Mr. O'Donnell responded that it is a great idea, but they need to gather the information from Rockland County including law enforcement reports since its implementation in 2007. He could see some town supervisors along the Route 17 corridor seeing this as a "cash cow."

Mr. Luján added that he spoke briefly with the Rockland County Sheriff's office who stated that pulling people over has been minimal, but the issue is with the health numbers and to see what the benefits have been and how effective the laws have been.

Dr. Gelman joined in stating that she has been exploring this with her counterpart in Rockland County with those discussions continuing.

Motion carried. All in favor.

Ms. Tautel moved request to accept and appropriate year 2 funds from the NYSDOH Immunization Action Program for the period 4/1/19 – 3/31/20, \$189,605.00, seconded by Mr. Luján.

Dr. Gelman explained that Orange County currently has ten confirmed measles cases and Sullivan County has two cases; however, Rockland County and New York City's numbers continuing to climb.

Mr. Amo asked about the employee chargeback of \$100,000.00. Mr. Ericson replied that they can chargeback to the state for services that are not covered under the grant and put it back into their Article 26 reimbursement.

Mr. Luján asked that they receive monthly updates on the measles epidemic.

Motion carried. All in favor.

Mr. Luján moved request to accept and appropriate grant funds from the NYSDOH AIDS Institute/Health Research, Inc. for the Expanded Partner Services Program (ExPS) for the period 4/1/19 – 3/31/20, \$105,000.00, seconded by Ms. Sutherland.

Dr. Gelman explained that with the rising numbers in Sexually Transmitted Infections (STI's) in Orange County the expanded partner therapy will be part of the discussion at their upcoming Sexually Transmitted Infections (STI's) conference for providers.

Mr. Luján asked that Dr. Gelman relay the information on the upcoming conference to all legislators.

Motion carried. All in favor.

Mr. O'Donnell thanked Dr. Gelman for the tour of the Orange County Morgue.

On the agenda was the introduction of Tessy Joseph, Deputy Commissioner, Valley View Certified Home Health Agency (CHHA).

Mr. LaDue introduced Tessy Joseph as the new Deputy Commissioner of the Valley View Certified Home Health Agency (CHHA).

Ms. Joseph addressed the committee and presented them with a brief overview of her employment history. She has been a registered nurse for 23 years and started her career as a staff nurse at a long-term care facility and then a charge nurse on a subacute floor. She was provided with the opportunity to teach and learned quickly that students deserve a strong foundation and that they are going into this profession with compassion, love, and to make a difference in people's lives. Early in her career she learned that many patients did not have advocates and it was important to her that these people have a voice. Approximately six years ago she began her career in home care and while home care cannot cure a person or disease it does bring optimal benefits of healing when they can remain in the home. They are working diligently to start the Certified Home Health Agency (CHHA) on the right foot with many parts having to come together in order to operate effectively and efficiently. The Orange County Department of Health is assisting them, but they are in essence starting from scratch. They have obtained their provider number and are in the process of submitting the transfer of the Certified Home Health Agency (CHHA) license to the Centers for Medicare & Medicaid Services (CMS). They have worked on operational policies, acquired a vendor for onsite training of OASIS which is the comprehensive assessment that determines what services will be provided and approved for the patient and drives their reimbursement. They have also acquired a vendor for their electronic medical records and the contract is currently with the Law

Department for review. The Certified Home Health Agency (CHHA) will consist of two county employees herself in the role of Deputy Commissioner and an accounts clerk with everyone else being contractual. The Certified Home Health Agency (CHHA) is highly regulated by the Centers for Medicare & Medicaid Services (CMS) and she will be attending a boot camp that focuses on compliance measures and operational criteria. They are fortunate to have a feeder source from within Valley View and in 2018 they had approximately 318 discharges with 297 discharges referred to their home care competitors and 21 were referred to outpatient services with 61 discharges to date. She is also confident that their rehabilitation patients will pick the Valley View Certified Home Health Agency (CHHA) and their current therapists are eager to join the Certified Home Health Agency (CHHA) and to follow their patients into the community. Her goal is to teach clinicians that when they look at patients that they not ask, "what is wrong with them, but what matters to them" and in her opinion, if they think that way, they will have great success. The process will begin slowly with their medicare patients and gradually move toward other payer sources. Lastly, she is a firm believer of quality of care and the residents of Orange County deserve it.

Mr. Tuohy welcomed Ms. Joseph to Orange County.

Mr. Amo asked how the Certified Home Health Agency (CHHA) would be marketed. Ms. Joseph replied that 90% of their discharges were referred to outside home care; however, if given the choice at discharge she firmly believes they would choose Valley View's Certified Home Health Agency (CHHA) as she has already been approached by patients. In addition, their admissions department has a very good rapport with Orange Regional Medical Center (ORMC) and St. Anthony's Hospital and because they offer quality care it will be followed into the community.

Mr. LaDue added that they would be the first person to have a conversation with them upon discharge, planning their CHHA services. They will be provided with a list of who they can chose but the majority of the residents that receive short-term rehabilitation at Valley View are continuing with the same therapist, and they are confident that they will chose the Valley View Certified Home Health Agency (CHHA).

Mr. Luján welcomed Ms. Joseph and was pleased to hear her comments on quality of care.

Mr. LaDue agreed and her yearning for patient advocacy and quality of care were some of the reasons that Ms. Joseph stood out to them as a candidate.

Mr. Tuohy asked if they would be conducting outreach to senior centers and other organizations throughout the county. Mr. LaDue replied yes, initially they would focus on the internal referrals but as the program builds and grows, they would certainly start reaching out.

Ms. Tautel welcomed Ms. Joseph and commented that she was impressed with Ms. Joseph's statement of "not what is wrong with them but what matters to them." Few people take that into consideration when providing care to an individual.

Mr. O'Donnell asked that Mr. LaDue confer with the Law Department on how they should approach people upon discharge planning to ensure they do not have any conflicts with any of their competitors because suddenly 90% of the people they were getting are now going to the county.

Mr. Tuohy moved Bond Resolutions have an expiration of 10 years after authorization as per Local Finance Law Section 41.00(b). Bond Resolution 142 of 2009 was authorized on June 4, 2009 for the purpose of increasing the budget of existing Capital Project VV 130, Couser Building Reconstruction. The authorized and unissued amount is set to expire on June 4, 2019. Request to reauthorize the unissued amount, \$444,345.00 (bonding), seconded by Ms. Tautel.

Mr. LaDue explained that they are trying to get the excess funds before the 10 years expires with the project going out to bid within the next few months.

Mr. Cheney asked what the funds would be used for. Mr. LaDue replied the Couser Building HVAC project.

Motion carried. All in favor.

Mr. Luján request to approve and appropriate funds for a proposed 2019 capital expenditure for Phase II and III of the Couser building HVAC project. The systems supporting heat, ventilation and air conditioning are 52 years old and reached economic life, \$4,210,000.00 (inter-fund revenues), seconded by Ms. Sutherland.

Mr. LaDue explained that these funds would essentially replace all HVAC work in the Couser Building which is 52 years old. In addition, any capital project presented today would qualify for 75% back in their medicaid rate.

Ms. Bonelli asked for clarification between this request and the previous request. Mr. LaDue replied that the money in the first request is for the Couser Building HVAC.

Ms. Bonelli asked if the \$444,345.00 was included in the \$4,210,000.00. Mr. LaDue replied yes.

Ms. Bonelli commented that she did not see it in the request.

Ms. Strecker clarified that they are asking for the additional \$444,345.00 to get to \$4,210,000.00.

Motion carried. All in favor.

Mr. Tuohy moved request to approve and appropriate funds for a proposed 2019 capital expenditure to refurbish employee areas. Areas dedicated to providing lockers, changing spaces and breakrooms are original to the buildings, \$87,000.00 (inter-fund revenues), seconded by Ms. Tautel.

Motion carried. All in favor.

Ms. Tautel moved request to approve and appropriate funds for a proposed 2019 capital expenditure for wheelchairs, cushions and accessories. Upgrading equipment provides mobility devices to maintain residents' highest level of functional independence, \$94,000.00 (inter-fund revenues), seconded by Mr. Luján.

Mr. LaDue explained that they are seeking 76 wheelchairs, 13 geri chairs, 10 rock and go wheelchairs, 10 scoot chairs and roho cushions.

Ms. Sutherland asked if they had replaced wheelchairs recently. Mr. LaDue replied yes, last year at a total of \$36,000.00.

Motion carried. All in favor.

Mr. Tuohy moved request to approve and appropriate funds in the amount of \$135,000.00 for a proposed 2019 capital expenditure for the sewer water treatment. The facility has earmarked \$10,000.00 for an engineering study to evaluate current plant operating conditions and options for sustainability. The remaining \$125,000.00 is earmarked for funding equipment and or issues identified in study of immediate concern. The water treatment plant supports Valley View, Social Services and Hearthstone (inter-fund revenues), seconded by Mr. Luján.

Mr. LaDue explained that from 2016 to 2018 they had just under \$200,000.00 in repairs to the sewer plant with an additional \$113,000.00 in repairs that will be done within the first quarter of 2019. The engineering study still must be done; however, that has not been done due to them having to expend funds on necessary repairs, but they anticipate the engineering study being done in 2019.

Mr. Luján asked for an approximate date for the engineering study. Mr. LaDue replied that it should be out to bid by the second quarter of 2019.

Mr. Luján asked about additional energy cost savings. Mr. LaDue replied that they have a huge combined heat and power project.

Mr. Sole explained that the combined heat and power project was done off NYSERDA. They were allowed to solicit vendors on NYSERDA with the agreement for the chosen vendor nearing completion. The project will pay for itself in energy savings in approximately seven years and the medicaid reimbursement rate of 75%.

Mr. Amo asked about the billing process for the buildings being used at Valley View. Ms. Strecker replied that it depends on usage and the percentage of the gallons used and sewer removal.

Mr. O'Donnell asked that at next month's meeting they provide the committee with a breakdown of how much was paid to them last year.

Motion carried. All in favor.

On the agenda was the monthly report on Valley View.

Ms. Strecker explained that the auditors will be at the facility on Monday to audit the 2018 books at Valley View. IGT funding remained the same with other revenues at \$3.8 million. On the personal service side, personal services were at \$3.3 million, contractual at \$668,000, employee benefits at \$4 million and workers compensations annual expense posted in February for \$1.8 million.

Ms. Strecker added that the occupancy rate for February was at 93.24%. Medicaid utilization was at 52.62%, medicaid (HMO) at 16.53%, medicare at 16.75% and private pay at 12.85% and today's occupancy is at 93.85%.

Mr. Amo asked about the difference between medicaid and the medicaid HMO'S and was it because of the state abandoned managed care. Mr. LaDue replied that the state did not abandon the program; however, they discontinued their contracts with the medicaid HMO's as they were not being paid in a timely manner. The state originally thought that the Managed Long-Term Care (MLTC) was the answer for medicaid savings but they were not giving them enough money for the people who needed the nursing home component.

Ms. Tautel asked about flu cases at Valley View. Mr. LaDue replied that they have no confirmed flu cases, but they do have residents that have tested positive for the norovirus.

Ms. Tautel asked for the number of norovirus cases. Mr. LaDue replied that he did not have the number but would have it for the committee next month.

Mr. Tuohy asked about the proposed New York State tax cuts. Mr. LaDue replied that he forwarded an email to all Legislators from LeadingAge urging them to contact their state Senate and Assembly and urge them to fight the CMI proposal made by Governor Cuomo with a possible \$4 million hit to Valley View's revenue. However, everything is still being negotiated.

Mr. O'Donnell noted that the problem would be the retroactive \$4 million hit and adjust moving forward.

Mr. Amo asked if a plan was being formulated if that were to happen. Mr. LaDue replied that it was still premature as they cannot plan until they have an actual number. It could be \$4 million, it could be less, or nothing could happen.

Ms. Strecker added that it could be a blended rate as it was not realistic as they know that all nursing homes during that period are looking at every patient, documenting, and doing their due diligence that may not be happening during a non-case mix period.

Mr. LaDue added that this will not only have a negative impact on Valley View but every nursing home in New York State.

Mr. Amo commented that this was a way for them to catch them off guard.

Mr. LaDue agreed, and they now act as if every day is a case mix day.

Chairman Brescia asked for clarification that they cannot go below certain staffing levels. Mr. LaDue replied that there is not a law in New York State that has minimum staffing levels for nursing homes; however, they have minimum levels that they try to maintain.

Mr. Amo added that there are standards but no actual law.

Mr. LaDue commented that the Centers for Medicare and Medicaid Services (CMS) created the Five-Star Quality Rating System to grade nursing homes based on RN, LPN, CNA, and rehabilitation hours with Valley View having a 3-star rating.

On the agenda was a presentation on Smart Approaches to Marijuana New York Testimony.

Mr. O'Donnell explained that with the recent discussions on the legalization of recreational marijuana, it is up to them to gather as much information as they can as it will be up to the counties to opt out if it becomes law.

Mr. Van Meter addressed the committee and presented them with a handout (see original minutes) on Smart Approaches to Marijuana New York (SAM) and conducted a power point presentation. SAM is a coalition of businesses, healthcare professionals, law enforcement and parents who want to protect New York Communities. SAM is a 501(c)(3) educational organization funded by volunteers and private organizations but primarily through families that have been negatively impacted by addiction. They work closely with major medical societies, treatment centers, recovery groups, law enforcement, drug prevention organizations and some scientific societies. There seems to be a great deal of confusion when the public is asked about legalization. SAM agrees that there are more than the two options of either legalize or incarcerate with a middle ground of decriminalization. They have provided feedback to the governor's office on how the law could be improved but the overall law should discourage drug use rather than encourage increased drug use. Recent national polls show that 66% of the public now supports recreational legalization. However, in a poll conducted by Anderson College and funded through them they asked the public about breaking it out to different policy options, that support dropped to 33% with these policy options being inflated.

Mr. Van Meter expressed the need for counties to opt out and highlighted various statistics from Washington, Colorado and California. In the state of Washington traffic fatalities where the driver tested positive for recent marijuana use has more than doubled the year legal marijuana sales began. In Colorado, hospitalizations related to marijuana have increased 70% since legalization and youth marijuana use has increased 5% on average from 2014-2017 while national use has decreased. In Canada, they have legalized recreational marijuana and have seen big players get into the industry including Atria tobacco (formerly Philip Morris) and they can expect the same in in the United States, if legalized. Today's marijuana industry does not make joints they make THC delivery systems in all shapes and forms including edibles which are extremely high in potency and no state including the New York State governor's budget approval has any restriction on THC content. Cannabidiol or CBD, the non-psycho active component of marijuana with promises of health benefits, has been approved in a purified form by the FDA for treating childhood seizures. THC is the cannabinoid that gets people high with CBD more of a neuroprotectant and counteracts the high. In pot shops of legalized states, the THC aspect has been enhanced with the plan being grown to

maximize THC and CBD being all but bled out of the plant as it counteracts the high, resulting in a rise in use patterns.

Mr. Van Meter added that young adult usage has skyrocketed, especially in legalized states, the rise in marijuana related ER visits in Colorado by teens since legalization, rise in mental illness and fatalities among people who have recently used legalized marijuana in the state of Washington. African-Americans are twice as likely to be arrested for marijuana in Colorado and Washington, states with legalized recreational use and sales. In Colorado, 70% of dispensaries are recommending THC products to pregnant mothers for nausea and the crime rate in Colorado has increased 11 times faster than the rest of the nation since legalization. In Colorado and Washington State, marijuana impaired driving fatalities have doubled, one in five drivers in Washington State are under the influence of marijuana and marijuana usage doubles the risk of developing an opioid addiction or initiating a nonmedical use of opioids. The pot industry is targeting minorities, much like big tobacco and a vast majority of legal pot businesses are owned by wealthy whites.

Mr. Luján asked about the drastic difference in numbers because he has stated that the numbers are increasing but have they increased in relation to every other state or are they increasing like every other state has increased. Mr. Van Meter replied that he could not give a definitive answer but the study he's referring to stated that the states with legalized medical marijuana had a 25% reduction in opioid deaths.

Mr. Luján commented that his understanding was that it included recreational marijuana. Mr. Van Meter replied that the recreational marijuana study out of Colorado attempted to show that it would have been even higher had they not legalized recreational marijuana.

Mr. Sassi asked if they would be more likely to use. Mr. Van Meter replied that the largest demographic is with 18 to 25-year-olds and were the increased use is soaring. In addition, California has a massive black-market problem that is not going away.

Mr. Luján asked about the black-market issue and he understood that in the state of California they are able to grow and produce marijuana in their home and something that advocates are opposed to. Mr. Van Meter replied that there is a huge divide between those that want to home grow and the industry that does not want the competition; however, in the state of California home grown is permitted but there is a long history of having allowed unlicensed store fronts.

Mr. O'Donnell asked about arrest in Colorado since being legalized in 2014. Mr. Van Meter replied that arrests are primarily for public use.

Mr. Luján asked about legal pot businesses being owned by wealthy whites. Mr. Van Meter replied that recent statistics show that 87% of the marijuana businesses in the country are owned by wealthy whites. Even if an incentive, benefit or some form of ability for minority business owners to get into the market it is hard to see how they would survive against a vertically integrated conglomerate that operates a multiple state operation.

Mr. Luján asked about decriminalization as opposed to legalization. Mr. Van Meter replied that SAM approaches this from a holistic prospective and to learn what is contributing to their drug use.

Legislative Counsel Reed asked if any counties in New York State have opted out. Mr. Van Meter replied none have been confirmed.

Mr. Sassi commented that he chairs a sub-committee that addresses the opioid epidemic. Last year Governor Cuomo stated that marijuana was a gateway drug but this year it will be a moneymaker. At recently held meetings they are bracing for the worst as they are combating an opioid epidemic, yet they want to legalize recreational marijuana. What will this cost their health care providers, mental health care providers and other agencies that are combating the opioid epidemic.

The meeting adjourned at 5:35 p.m.