

**HEALTH AND MENTAL HEALTH COMMITTEE  
MINUTES**

**TUESDAY, JULY 18, 2023  
4:00 P.M.**

PRESENT: Peter V. Tuohy, Chairperson  
Mike Anagnostakis, Glenn R. Ehlers, Kevindaryán Luján, Janet Sutherland,  
Laurie R. Tautel

ALSO

PRESENT: Katherine E. Bonelli, Chairwoman  
Anthony Cardoso, Assistant County Attorney  
Darcie Miller, Commissioner of Social Services and Mental Health  
Dr. Alicia Pointer, Commissioner of Health  
Donna Strecker, Director of Finance, Valley View Center  
Kerry Gallagher, Commissioner of Finance  
Erin Sztendor, Budget Analyst  
Christopher McCarthy, Partner, O'Connor Davies LLP  
Michelle S. O'Reilly, Audit Engagement Partner, O'Connor Davies LLP

Mr. Tuohy opened the committee meeting at 4:09 p.m. and asked everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator Amo, who was absent.

On the agenda was a Department Update from Darcie Miller, Commissioner of Social Services and Mental Health.

Ms. Miller addressed the committee and highlighted several key points in the update that was emailed to legislators. Department and social work consultants have been assisting with mental health support to communities impacted by the recent storms. They have received proposals from the Opioid Settlement Fund Request for Application, and they are in the reviewing and scoring stage. The New York State Office of Cannabis Management has issued a fact sheet. The Children and Youth ACT will be opening with 8.5 staff members and will serve 48 youth and families and is provided jointly by ACCESS Supports for Living and Rehabilitation Support Services, Inc. The Mental Health Association of Orange County Call Center 311 has been very helpful in supporting communities impacted by the recent storm. WELCOME Orange - their Comprehensive Integrated System of Care co-presented with six other Counties in the region to the New York State Opioid Settlement Advisory Board.

Ms. Sutherland moved to request supplemental appropriation of Year 2 of 5 funds from the New York State Department of Health for the Perinatal and Infant Community Health Collaboratives Program for the period 7/1/2023 – 6/30/2024, \$440,000.00, seconded by Ms. Tautel.

Dr. Pointer explained that this is their home visit program for pregnant and parenting moms, infants and children. Some of the services provided include car seats, car seat installation, diapers, safety projects and a new line item for mental health services.

Mr. Tuohy asked if dresser safety was provided. Dr. Pointer replied yes, if a safety issue is found while in the home, they will inform the family and provide them with the supplies to ensure the infant/child's safety.

Mr. Luján asked if the mental health component addresses postpartum depression. Dr. Pointer replied that it was being worked on; however, they do not have a specific plan in place but they understand that many new moms and their children are unable to get into mental health care.

Mr. Luján asked about social media advertising and Zoom groups. Dr. Pointer replied that they do have some social media posts and they have implemented a walking group for moms to help with social interactions while offering the mental health aspect.

Motion carried. All in favor.

On the agenda was a Department Update from Dr. Alicia Pointer, Commissioner of Health.

Dr. Pointer addressed the committee and highlighted several key points in the update that was emailed to legislators. Infectious Diseases are as follows: MOSQUITO TESTING AND TREATMENT PROGRAM: The first West Nile positive mosquito pool of 2023 testing has been done at nine sites throughout the county and Larvicide has been applied to catch basins. PUBLIC HEALTH EMERGENCY PREPAREDNESS: The Orange County Health Dept assisted in the response to the recent flooding including monitoring drinking water safety, free private well testing, public education around mold and debris clean-up, communication with overnight camps, food service inspections, staffing the call center and they appreciate all the staff who helped. They are also hosting a Public Health Emergency Law conference on July 17th and 18th. COMMUNITY OUTREACH: The \$987,000.00 5-year breastfeeding grant started July 1, 2023. Farmer's markets are in full swing (Newburgh on Tuesdays 10-2 and Port Jervis on Saturdays 10-1) and they accept Fresh Connect, Senior vouchers, EBT/SNAP, and WIC Collaborations, having tomato plants, and delivery of farm boxes to community organizations. UPCOMING SUMMER EVENTS: Summer Wellness Day at the Desmond Center on July 15<sup>th</sup>, MSLC Health Equity and Wellness Fair on July 29<sup>th</sup>, National Night Out on August 1<sup>st</sup>, and Hudson Valley Fiesta Latina on August 19<sup>th</sup>.

Mr. Touhy asked about the mobile unit. Dr. Pointer replied that it is being very well received and the public can go to the calendar on their website to see where the mobile unit will be next.

Mr. Luján asked about the breastfeeding grant. Dr. Pointer provided a brief overview of the grant and program.

Ms. Tautel thanked Dr. Pointer and her staff for all that they have done for her community during the recent flooding including private well water testing.

On the agenda was the monthly financial report on Valley View.

Ms. Strecker explained that for June 2023, IGT funding is at zero and they have no new information on when they could receive a payment. Other revenues were at \$16.7 million. They continue to be challenged with the recruitment of RNs and LPNs and currently have contracts with five staffing agencies. Personal services were at \$10.1 million, equipment at \$32,343.00, contractual at \$4.5 million, employee benefits at \$8.8 million and serial bond interest at \$45,751.00. Their census for June was 64.06%. Medicaid utilization was at 72.43%, medicaid (HMO) at 1.69%, medicare at 14.72% and private pay at 9.53%.

On the agenda was a Department Update from Donna Strecker, Director of Finance, Valley View.

Ms. Strecker addressed the committee and highlighted several key points in the update that was emailed to legislators. Valley View's census on July 18, 2023, was 63.89%. They have three units closed due to staffing issues and are admitting short-term rehab residents. The CHHA census is twelve. They had six new admissions seven discharges and conducted one hundred and eighty therapy treatment sessions in June. They currently have one COVID positive resident and one COVID positive employee. They are still awaiting approval from the New York State Department of Health (NYSDOH) for their Plan of Correction for their nursing home survey and CHHA survey. The NYSDOH is enforcing the nursing home minimum staffing requirements, starting with the second quarter of 2022. An average of 3.5 hours of care per resident day is required per quarter, at least 1.1 hours by RN and/or LPNs and at least 2.2 hours by CNAs and the remaining .02 can be any combination of RN, LPN or CNA hours. Penalty of up to \$2000/day for non-compliance. Fortunately, they are in compliance for all of 2022 and they are assessing their compliance for the first quarter of 2023. Even though they are in compliance in 2022, they still had 29 days in each quarter that they did not reach the minimum for RNs and LPNs. A new New York State Labor Law took effect on June 28, 2023, that increased penalties and imposed reporting requirements in relation to mandatory nurse overtime. Under the law, including prior to the recent amendments, "health care employers" are prohibited from requiring nurses (RNs and LPNs) to work beyond their regularly scheduled hours, except for under the following outlined conditions: A health care disaster that increases the need for health care personnel; a federal, state, or county declaration of emergency; an unforeseen emergency and it is necessary to provide safe patient care that could not be prudently planned for by the employer and does not regularly occur; or an ongoing medical or surgical procedure in which the nurse is actively engaged and whose continued presence is needed to ensure the health and safety of the patient; however, the law does not prohibit nurses from voluntarily working overtime. It's a shame that New York State has prioritized penalizing nursing homes and other healthcare providers during a national health care shortage over providing incentives/programs/policies that will enhance/encourage/improve the healthcare system and healthcare staffing. As they move into the next quarter growing staff specifically RNs and LPNs will be an important component in growing the facilities revenue and achieving stability.

Mr. Anagnostakis emphasized that they have been unsuccessful in growing their staff thus far.

Ms. Strecker replied that over the last six months they did not have the amount of staffing contracts they do now and while they are bringing in RNs and LPNs it is a very slow recruitment process and staff from staffing agencies are not as committed to a regular forty-hour work week.

Mr. Anagnostakis asked for the number of RNs and LPNs that has been hired over the last sixty days. Ms. Strecker replied while they have hired a few; however, she does not have that number with her.

Mr. Anagnostakis asked how many staff members would be needed to open an additional unit and could that be possible by the end of the year. Ms. Strecker replied that they are hopeful and would need nine CNAs to open another thirty-bed unit and about thirteen to be at full capacity.

Mr. Anagnostakis asked if they were only bringing in enough staff to meet the newly imposed minimum requirements. Ms. Strecker replied that due to understaffing, absenteeism, and vacations they run overtime every day.

Mr. Anagnostakis asked about the status of the Attendance Incentive Program. Ms. Strecker replied that they are discontinuing the program as the analytics showed that 2022 versus 2023 attendance was not improving. They are very grateful to the staff that comes to work every day; however, they were unable to reduce overtime which was one of the two goals they were trying to accomplish. The two goals were to reduce absenteeism and overtime; however, they did not achieve that.

Mr. Tuohy expressed his appreciation to the staff that shows up to work every day.

Ms. Tautel thanked Ms. Strecker for their assistance in acquiring a hospital bed for a resident effected by the flooding in her community.

At 4:50 p.m. Mr. Tuohy recessed the meeting so that the power point presentation from O'Connor Davies LLP could be set up.

The meeting reconvened at 4:55 p.m.

On the agenda was a review of the 2022 Financial Report by O'Connor Davies LLP.

Christopher McCarthy, Partner, O'Connor Davies LLP and Michelle S. O'Reilly, Audit Engagement Partner, O'Connor Davies LLP presented an overview of the Valley View 2022 Financials (On file in Clerk, Legislative Office) for the year ending December 31, 2022 and power point entitled, **Valley View Center for Nursing Care and Rehabilitation, Report to the County Executive, Steven Neuhaus and Honorable Legislature of the County of Orange, New York** (On file in Clerk, Legislative Office) which highlights the Financial Report. They reviewed the engagement status, filing of the medicare cost report, the RHCF-4 medicaid cost report which is due on or before August 9, 2023 and the additional audit under uniform grant guidance that is due on or before September 30, 2023 and O'Connor Davies' responsibilities, responsibilities of Valley View Management and Those Charged With Governance (TCWG), audit scope and approach, breakdown of Other Postemployment Benefits (OPEB), resident accounts receivable and resident revenue, changes in census with the largest payor being medicaid at 82% and paying \$290.00 a day, \$700.00 a day for medicare and \$420.00 a day for private pay. Valley View Actual Census compared to Orange County "Snapshots," third party payor overview and update, impact of benefits on change to net position, financial statement highlights, required communications and communication of Internal Control Matters and minimum staffing mandate.

Mr. Tuohy asked if the proposed 5% increase was included in the state budget. Mr. McCarthy replied that for the first time they passed an inflation factor of a 6.5% to 7.5%. This is an increase to the operating component pending approval by the Centers for Medicare & Medicaid Services (CMS). However, they are still being paid for about 80% of their services based on 2007 numbers.

Mr. Anagnostakis asked for clarification on the methodology of the ten "snapshots." Mr. McCarthy replied that since 2008, nursing homes in New York State must report their actual occupancy for one day a week. The snapshot is that on a particular day all facilities in New York State reported their census which allows them to see what census is throughout the state. Valley Views is much more accurate as he took the values by month with the others solely being a snapshot on the occupancy for one day a week.

Mr. Anagnostakis expressed his concerns that Valley View's census is 14% to 15% lower than the other nursing homes in Orange County. Ms. Strecker replied that she reviews the analytics that come from New York State and because Valley View is a public nursing home there are other opportunities available in a private nursing home as far as compensation for their employees. One of the obstacles they face is Valley View's location as there is a more centrally located nursing home in Middletown with easy access that does not require public transportation. Valley View is the largest nursing home in Orange County, and they took appropriate action when an outbreak of COVID hit the facility by closing units which has affected their census. She cannot speak to the operations of other nursing homes but the hours per patient on the New York State nursing homes reported site shows that Valley Views hours per patient are higher than some of their competitors which is very important when it comes to quality of care as they will not take in patients they cannot care for.

Mr. Anagnostakis asked about the variance on the ten snapshots and did any of the lower percentages approach Valley View and is there anything that could help Valley View. Mr. McCarthy replied that there was at least one that was within the Valley View range. In addition to trying to find employees and staff adequately he would suggest meeting with discharge staff at area hospitals and is there a reason they are going to the other facilities.

Mr. Anagnostakis commented that OPEB is one of the most difficult things to explain to someone other than an accountant. For this type of nursing home OPEB is a book entry that must be included for accounting purposes but is not an operating expense occurred by the nursing home, yet it shows a minus of \$9 million for the facility. If that was backed out the facility would be in a deficit of approximately \$4 million and if there was an IGT receivables line indicating that they were owed \$4.8 million the facility would be breaking even under these circumstances.

Mr. McCarthy agreed that OPEB must be recorded and is not a cash outlet.

Mr. Anagnostakis asked about the significant decrease in OPEB. Mr. McCarthy replied that it was a result of the higher interest rates.

Mr. Anagnostakis referred to page 4 of the 2022 Financial Report and the year-end December 31, 2022, and noted that Valley View had \$42.872 million of cash on reserve versus \$48.425 million that the prior year.

The meeting was adjourned at 5:38 p.m.