

**HEALTH AND MENTAL HEALTH COMMITTEE
MINUTES
(REMOTELY)**

**TUESDAY, SEPTEMBER 15, 2020
4:00 P.M.**

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

ALSO

PRESENT: L. Stephen Brescia, Chairman
Katie Bonelli, Majority Leader
Leigh J. Benton, Legislator
Barry J. Cheney, Legislator
Thomas J. Faggione, Legislator
Kathy Stegenga, Legislator
Antoinette Reed, Legislative Counsel
Harold J. Porr, III, Deputy County Executive
Irina Gelman M.D., Commissioner of Health
Christopher Ericson, Deputy Commissioner of Health
Darcie Miller, Commissioner of Social Services and Mental Health
Laurence LaDue, Commissioner, Valley View Center
Donna Strecker, Director of Finance, Valley View Center
Gretchen Riordan, Budget Analyst

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.

On the agenda was a Department Update from Dr. Irina Gelman, Commissioner of Health.

Dr. Gelman addressed the committee stating that Orange County has 11,880 positive COVID-19 cases to date, 497 deaths, 144,682 individuals tested with the active cases upward of 130. The ten-day rolling average has been 12; however, they are seeing an increase in the daily positive cases of 20 per day which is a consistent increase in daily cases with the Orange County Department of Health being fully active in its response to COVID-19. They continue to operate a separate call center that takes all the public calls for the Department. This call center is staffed by our Community Health Outreach Division which has also been very active in continuing public health educational programming and outreach during this pandemic. The Nursing and Epidemiological Divisions continue to work primarily on the COVID-19 response with the rolling 10-day average of positive COVID-19 cases at about 12 cases a day. With some colleges closing back down and sending their students back home, this has led to an increased risk of positive cases being brought back into Orange County. Case investigations/contact tracing has also increased, and they have asked the Medical Reserve Corps to help assist with these investigations. In August, the county reported 320 confirmed cases of COVID-19 with known symptom onset with the majority of those epidemiologic risk factors associated with the confirmed cases come as a result of a known contact to COVID-19. As of September 11, 2020, the median age of all cases reported was 23.11 years, the average was 36.7 years, and the mode was 18 years. While the data shows that the majority of

people who tested positive for COVID-19 are symptomatic, there are many reporting as asymptomatic and/or mildly symptomatic. They are still seeing the 18 to 44 years of age category as the predominate mode of transmitting and contracting COVID-19. In August, they found a number of cases being international and national travel related. On September 9, 2020, Public Health Alert No.14 was issued regarding influenza. In part the PHA stated: "For the upcoming 2020-21 influenza season, we anticipate that SARS-CoV-2 and influenza viruses will be circulating. The Orange County Department of Health, as per the NYSDOH guidelines, recommends that everyone six months of age and older without contraindications receive seasonal flu vaccine as soon as possible. Young children, pregnant women, people with chronic health conditions, and people 65 years of age and older are at an increased risk for flu complications." The Department of Health anticipates that influenza testing capacity will be available through primary care physicians and other health care providers, such as hospitals where it is typically provided each year. Both state and local health department communication and outreach to providers regarding the importance of influenza testing this year will be critical and they will work diligently to spread this message in our communities. Their department maintains regular and ongoing communications with New York State Department of Health staff who are aware of local capacity and concerns related to COVID-19 testing. The Environmental Health Division continues to work with operators and event organizers with regard to planned and/or proposed gatherings in the county. Many large events continue to be suspended this year as planning for social distancing and creating a safe environment for participants is very challenging and difficult.

Mr. Anagnostakis asked if they keep track of the positivity rates. Dr. Gelman replied yes.

Mr. Anagnostakis asked if they could supply the committee with the rate for each of the last seven days, beginning seven days ago and going forward. Dr. Gelman replied that it would be in the 10-day rolling average and they would forward the charts and graphs to the committee.

Mr. Anagnostakis reiterated that he only wants the individual positivity rate for the days he has requested not the 10-day rolling average. Dr. Gelman replied that she would get the information to him.

Mr. O'Donnell asked for the number of cases today. Dr. Gelman replied 39 cases.

Mr. Anagnostakis asked for clarification that the positivity rate should be the number of positive cases that came back on tests divided by the total amount of tests conducted that day and that percentage would be the positive rate. Dr. Gelman replied yes.

Mr. Anagnostakis explained that he was asking for the rate for each of the last seven days. Dr. Gelman replied that they would get that information to them and it was also published daily on the New York State COVID-19 tracker website.

Mr. Anagnostakis requested the link for the COVID-19 tracker website be forwarded to the legislative office for distribution. Dr. Gelman replied that she would.

Mr. Tuohy asked for clarification on the median age of cases. Dr. Gelman replied that it is grouped into the 18 to 44 age group and for September, the median age of all patients was 23.11 and the average of all of ages was 36.7. It takes all the ages of the positive individuals to figure out the median age and the mode.

Mr. Luján asked if they were seeing an increase in the younger population due to the return to school, lack in wearing a mask and/or gatherings of larger groups. He has heard from individuals from various departments who deal with clients in the community and they have expressed concerns about the lack of available masks for clients when entering a client's home and would that be something they should look into. Dr. Gelman responded to Mr. Luján's first question; yes, it is multifactorial and with colleges back in session, increase in testing and mandatory testing for many institutions prior to returning to campus and dorms. However, the 18 to 44 age has steadily been the transmission and means of contracting COVID-19 across the board and even with the spikes they are seeing their hospitalization rate has not changed. In response to his second question, it is imperative that the staff member and resident wear a mask and she would like to discuss that further as safety is the priority.

Mr. Luján asked if they could be seeing lower numbers in hospitalizations because the illness was not hitting the younger population as hard as the older population and they were not choosing to go to the hospital because they do not have health insurance. Dr. Gelman replied that was a misconception as the 18 to 44 years of age are risk adverse to begin with not because of COVID-19 but with many other issues. Ironically, they are not seeing a lull in hospitalizations rates. The hospitalization rate she cited has been consistent with the younger age bracket and despite being younger that population is still seeing a mortality rate for individuals under the age of 65 and a consistent hospitalization rate.

Ms. Stegenga asked how many of the 18 to 24-year old's are being tested because they are showing symptoms or because they came in contact with someone because of schools and various activities being opened. Dr. Gelman replied that of the individuals who test positive a majority have had contact with a COVID-19 positive individual and for the most part individuals who have tested positive are symptomatic.

Ms. Stegenga noted that some college students that have been tested are coming back positive for COVID-19 even if they were not showing symptoms. Dr. Gelman replied that the majority of positive cases locally are symptomatic and have come in contact with a COVID-19 positive individual. Dr. Gelman clarified that a majority of the individuals that are not reporting actual symptoms as they know them to be but for the most part a lot of the symptoms they have come across are fairly mild in nature. Many people do not realize that two weeks ago they had a headache or any mild symptomatology so it may not be that they were entirely asymptomatic, but they may not necessarily equate that headache with COVID-19. In addition, with COVID-19 and unlike SARS-CoV-2 is most contagious at the beginning of the disease unlike SARS that becomes more contagious with the progression of the disease. With COVID-19 they have the highest viral burden early on and testament to why they are wearing masks and taking preventive measures and why they need to maintain their safety protocols.

Ms. Sutherland stated that at her son's college they have started pool testing and that was when they saw the numbers skyrocket and his school shutdown. He was tested after coming home and thankfully the test was negative. Will pool testing be required at universities and state colleges because from what she has learned that was not being done yet. She knows that some of the students her son went to school with were pool tested with a negative result; however, after coming home a follow-up test showed a positive COVID-19 result. While those numbers are recorded on the dashboard at school they are not being recorded where they reside permanently. Dr. Gelman replied that they are not considering pool testing across the board as it has a limited benefit. It is useful in congregate living environments such as a dormitory setting and where individuals are

constantly on campus and in an enclosed environment and where they would be interacting more than in a school or other setting. The New York State Department of Health has released two pilot programs with pool testing being one and the city of Newburgh participating in the other pilot program on wastewater testing to see if there is an increase from the baseline in positive viral particles that are shed. This is a more viable syndromic surveillance as it actually allows them to see if there is an increase in viral particles prior to an individual testing positive and a better indicator and earlier marker of an increase within a population which would enable them to concentrate their efforts in a population prior to presenting an uptick in cases. While it is unknown what the New York State Department of Health will use as a syndromic surveillance, but it clearly must be preventive as the issue is to get ahead of the curve.

Ms. Sutherland asked if pool testing would be considered for local schools. Dr. Gelman replied that pool testing was not being considered at this point.

Mr. O'Donnell asked Dr. Gelman about the recent news article about Monroe Woodbury High School.

Dr. Gelman asked if Mr. O'Donnell was referring to the COVID-19 positive individual or the photo of the athletes. Mr. O'Donnell replied both as the article was confusing.

Dr. Gelman explained that the COVID-19 positive individual was not part of the group of athletes and was isolated with minimal to no exposure to others. However, it was concerning to have a group of athletes who have congregated in the past, took photos and proceeded to practice and conduct other activities and for this reason Commissioners orders were issued on mandatory masks in schools for both staff and students to ensure that schools remain open for a longer period of time.

Mr. O'Donnell asked for the process of advising schools, having kids in school and reopening. Dr. Gelman replied that a procedure was put in place with local schools that consists of an administrator and one nurse at every school. They have been in contact with the superintendents for months and they are in direct contact with the Orange County epidemiology and nursing team. They currently have a concrete protocol in place and anytime they receive a positive COVID-19 test that has been reported to the school they are contacted directly and then move on to the communicable disease investigation but this is only for a lab confirmed positive COVID-19 case that then moves on to contract tracing efforts.

Mr. O'Donnell commented that there are two nursing home death investigations being conducted in New York State and one federal investigation. He understands that the New York State Attorney General at the request of Governor Cuomo is conducting an investigation. He asked whether Leticia James or anyone from the Attorney General's office has contacted Dr. Gelman and/or spoken to anyone in the Orange County Health Department with respect to that investigation. Dr. Gelman replied no.

Mr. O'Donnell stated that Senator James Skoufis, Chairman of the Investigative committee is also conducting an investigation and asked whether anyone from his investigative team contacted Dr. Gelman and/or spoken to anyone in the Orange County Health Department with respect to that investigation. Dr. Gelman replied no.

Mr. O'Donnell asked if Congressman Steve Scalise, who is heading up the nationwide federal investigation on nursing home deaths, and whether anyone from his investigative team contacted Dr. Gelman and/or spoken to anyone in the Orange County Health Department with respect to that investigation. Dr. Gelman replied no.

Mr. O'Donnell stated that many people are talking about investigations on the thousands and thousands of people that died needlessly. He would like to see where these investigations go, and the time has come where they may have to step in and do something themselves.

On the agenda was a budget reduction memo review.

Mr. O'Donnell stated that on three separate occasions he asked the County Executive's office to supply each legislator with a copy of the memo that every department submitted the County Executive's office. They will begin budget hearings next month and it would have been nice to get copies of those memos. At yesterday's Education and Economic Development committee meeting Tourism stated that they submitted an 18% reduction. He asked that Dr. Gelman provide the committee with an overview of the reductions the Department of Health submitted. Dr. Gelman replied that they currently have 11 vacant full-time county funded positions, but it does not include grant funded or WIC program positions. According to the Budget Department they have saved \$582,000.00 to date due to these vacancies and with an austerity factor of \$418,000.00 which was a surplus of \$465,000.00 and with the current vacancies the Health Department is expected to end the year with a total savings of \$798,000.00 and \$387,000.00 over the budgeted austerity.

Mr. Ericson added that they did put a savings plan out that showed a 15% reduction.

Mr. O'Donnell asked for clarification as to what Dr. Gelman just stated equals approximately 1% of the county taxation for the Health Departments budget. Mr. Ericson replied yes, that was what they are currently showing in savings for 2020.

Mr. O'Donnell asked for the percentage submitted in their reduction memo going into next year. Mr. Ericson replied that their goal was a 9% reduction and they made these reductions in their bussing line, escrow, travel, hospice and a few positions for a total reduction of \$2.8 million.

Mr. O'Donnell asked about the budget of \$41.8 million for the education of handicap children. Mr. Ericson replied that it is an unfunded mandate that they do not have much control over as it is done based on predictions and the school age children they must serve and unfortunately it makes up a very large portion of their budget.

Mr. O'Donnell noted that they started the year with 81 staff members not including the Medical Examiner's office and asked how many do they currently have. Mr. Ericson replied that number of employees is closer to 116 including grant funded positions. They currently have eleven vacant funded positions for 2020.

Mr. O'Donnell asked if the Medical Examiner, WIC and Early Intervention were included in the 116 positions at the Health Department. Dr. Gelman replied that it includes everyone.

Mr. O'Donnell noted that the 81 positions he was referring to were solely in their section of the Health Department.

Mr. O'Donnell asked for the number of positions added to the Health Department in 2020. Mr. Ericson replied that they added four positions: two Supervising Public Health Nurses, Special Education Program Coordinator and the new Epidemiologist.

Mr. O'Donnell asked if they were having any issues with ordering and receiving supplies. Mr. Ericson replied no.

Mr. Luján moved request to accept funds from the New York State Department of Health for the Children and Youth with Special Health Care Needs (CYSHCN) Program for a 5-year period effective 10/1/2020 – 9/30/2025 and to appropriate year one funds, \$66,000.00, seconded by Ms. Tautel.

Motion carried. All in favor.

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

Ms. Miller addressed the committee stating that the mental health, substance, abuse, and the developmental disabilities system of care continue to operate with social distancing practices, and they have increased face to face interaction to meet client's unique **needs**. They have seen a national increase in alcohol purchases of 25% and as they celebrate Nation Recovery Month, they cannot help but acknowledge those that are still struggling and ensure that they have access to services. They continue to work hard to ensure that services are available with same day access to services with the 3-1-1 line and the Crisis Continuum being very busy. They are having increased conversations with law enforcement with respect to the national news and the impact it has on the country and on individuals. Here in Orange County they are dependent on their collaboration with law enforcement and they hope to continue and expand the work they do together.

Governor Cuomo has extended the waiver for telephonic (audio only) reimbursement for service until October 4, 2020. They continue to advocate for an extension knowing that this means of communication and providing service has been highly valuable. Governor Cuomo issued Executive Order 202.48, which extends telehealth regulatory flexibility for the Office of Mental Health (OMH)-licensed, funded, and designated programs, as detailed in Executive Order 202.1, until October 4, 2020. In addition, Executive Order 202.48 also extends modifications to the background check process for the Office of Mental Health (OMH) authorized programs, as detailed in Executive Order 202.13, until October 4, 2020. With respect to the withholds of 20%, the Office of Mental Health (OMH) and the Office of Addiction Services and Support (OASAS) reiterated that these withholds (temporary cash management) are not permanent cuts; however, they have not updated their message that withholds are for the **third quarter of 2020 only**. The withholds to State Aid for the Office of Addiction Services and Support (OASAS) were closer to 31% because the Office of Addiction Services and Support (OASAS) has a higher Federal Block grant than the Office of Mental Health (OMH). The Office of Addiction Services and Support (OASAS) is working with New York State to be more in line with the 20% and they are waiting to hear about the outcome. They **proportionately withheld 20%** from each program under contract. The Office of Mental Health (OMH) has reinstated funding for supported housing which accounts for approximately 40% of initial withhold returned to contract agencies. The New York State **Office for People With Developmental**

Disabilities (OPWDD) announced 20% withhold of local state funding and payment on claims with the exception of supported housing funding; however, they did not specify a timeframe for the withholds which means all unpaid claims to date and throughout the year are expected to have a 20% withhold. In addition, they have reinstated funding through the office of Mental Health for supportive housing which accounts for about 40% of the state funds they get that then go out to community agencies.

Mr. Tuohy asked for an update on the satellite mental health office in the Monroe Woodbury School District. Ms. Miller replied that to her knowledge it has not been released. While the Monroe Woodbury School Superintendent is eager for this to move forward, they are very preoccupied with meeting the COVID-19 standards and getting students back into school.

Mr. Tuohy asked if they have a dedicated attorney at the Department of Mental Health. Ms. Miller replied yes, Ferol Reed McDermott, Esq.

On the agenda was a budget reduction memo review.

Ms. Miller explained that they submitted their budget reduction memo for the 2020 budget and not the 2021 budget. The memo included vacant positions, reductions in specific programming and the transition of county services out of the Orange County Jail and move them into contractual services which will afford them some savings. The most significant is the 10 vacant positions in staff in the Department of Mental Health. Of the ten vacant positions three are revenue generated which means they lose revenue at the same time they decrease costs so they will be requesting that those positions be filled as soon as the need arises for those positions to be filled. In addition, they have reductions on their contract agency side.

Mr. O'Donnell asked if anything was submitted for 2021. Ms. Miller replied that their 2021 budget was submitted and comes in flat after a great deal of creativity and hard work.

Mr. O'Donnell asked if it was flat from 2020 or the reductions she just stated. Ms. Miller replied that it does account for some of the reductions she mentioned. They also had state reductions in the 2020 budget that resulted in county increases along with the 20% withhold. They all realize that anything they submitted was tentative depending on the direction they receive from New York State. They are still required to provide specific services, but the funding revenue streams they depend on are not stable.

Mr. O'Donnell asked where Mental Health fee funds come from. Ms. Miller replied that on the \$38 million budget on the Mental Health side, \$8 million is county taxation, \$20 million is state budgeted with a large percentage revenue related to the clinic services they provide.

On the agenda was the monthly report on Valley View.

Ms. Strecker explained that IGT funding remains at \$2.2 million, emergency disaster assistance was at \$1.9 million and other revenues were at \$24.6 million. On the personal services side, personal services were at \$15 million, overtime at \$1.3 million, equipment at \$132,270.00, contractual at \$6.2 million, employee benefits at \$11.8 million and serial bond interest at \$118,628.00. Their census year to date average is 84.95%, with August coming in at 82.61% as they are beginning to see an upward trend with today's census at 85%.

On the agenda was a Department Update from Laurence LaDue, Commissioner of Valley View.

Mr. LaDue addressed the committee stating they currently have no active COVID-19 positive residents in the facility. Their census on September 11, 2020 was 303 residents or 84%. They are taking both long-term and short-term admissions with every new admission required to have a recent negative COVID-19 test prior to admission. The New York State Department of Health (NYSDOH) recently updated visitation guidance for Assisted Living Facilities and Adult Homes. As of today, if a resident and/or staff member tests positive for COVID-19 visitation will only be suspended for 14 days as opposed to 28 days. Valley View is in compliance with the new New York State Department of Health (NYSDOH) mandate to have 60 days of PPE in stock. Valley View recently received 1200 point of care (rapid) COVID-19 tests along with two testing machines from the federal government. Valley View received two deficiencies related to an issue they had with one of their generators during a recent power outage as one of the generators did not turn on immediately during a recent outage but the maintenance staff were called in and got it running. They were supposed to inform the New York State Department of Health of the outage and issue with generator within four hours, but they were formally informed the next morning. They were in contact with the Orange County Department of Health at the time of the outage and they were reporting to the New York State Department of Health and they believed that counted as notifying them, but they did not accept that. Additionally, they did not run the 30-minute load tests as often as they needed to and were cited for that. While the generators are tested monthly a 30-minute load test was not routinely done per regulations and generators have been tested and are working properly. The statement of deficiencies and approved plan of corrections were submitted with the department update to the committee. In addition, Valley View has received additional COVID-19 relief funds of \$532,000.00 from the Federal Cares Act and Valley View applied for and received a \$3000 grant to purchase iPads from the New York State Department of Health (NYSDOH) Civil Monetary Penalty funding.

On the agenda was a budget reduction memo review.

Mr. LaDue explained that a 15% reduction for Valley View would be approximately \$8 million; however, that was not achievable. They are consistently reviewing overtime and new open positions to see if they need to be filled. Unfortunately, because of COVID-19 they have seen an increase in expenses with the requirement to keep a 60-day stockpile of supplies. They have submitted their 2021 budget which is very lean and realistic budget and they had to reduce their census number in their 2021 budget based on their current census.

Mr. O'Donnell asked if they were having any issues with ordering and receiving supplies. Mr. LaDue replied no.

Mr. O'Donnell asked if Attorney General Leticia James and/or anyone from her has contacted Mr. LaDue with respect to investigation on nursing home deaths. Mr. LaDue replied that they were contacted in the early month's of the pandemic but it was only on the procedure's they were doing which was standard as they were touching base with every nursing home; however, they never heard back.

Mr. O'Donnell asked if that was prior to the initial investigation. Mr. LaDue replied yes.

Mr. O'Donnell asked if they have been contacted by Senator James Skoufis and/or anyone from his office with respect to investigation on nursing home deaths. Mr. LaDue replied no,

but approximately a month ago their medical director did submit a statement on what transpired at Valley View.

Mr. O'Donnell requested that a copy of that statement be sent to the Legislative office.

Mr. O'Donnell asked if they have been contacted by Congressman Steve Scalise and/or anyone from his office with respect to the nationwide federal investigation on nursing home deaths. Mr. LaDue replied no.

Mr. Luján moved request to accept and appropriate COVID-19 provider relief funds from the Department of Human Services and awarded to the facility under the Federal CARES Act, \$532,000.00, seconded by Mr. Tuohy.

Motion carried. All in favor.

Ms. Sutherland moved request to accept and appropriate New York State Department of Health Civil Money Penalty funding for communication devices to facilitate virtual visiting between residents and families, \$3,000.00, seconded by Ms. Tautel.

Motion carried. All in favor.

Mr. LaDue addressed new business stating that the Department of Health and Human Services has approved an additional \$2 billion for health care facilities for the remainder of 2020. The funding is based on the facilities COVID-19 infection rate and mortality rate as long as their COVID-19 rate remains low they can anticipate the additional funding within the coming months.

Ms. Sutherland moved resolution designating October 2020 as "Domestic Violence Awareness Month," seconded by Ms. Tautel.

Motion carried. All in favor.

Mr. Luján moved resolution of the Orange County Legislature recognizing October 15, 2020 as "White Cane Awareness Day," seconded by Ms. Sutherland.

Motion carried. All in favor.

The meeting adjourned at 5:03 p.m.