

**HEALTH AND MENTAL HEALTH COMMITTEE
MINUTES**

**TUESDAY, SEPTEMBER 21, 2021
4:00 P.M.**

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

ALSO

PRESENT: L. Stephen Brescia, Chairman
Katie Bonelli, Majority Leader
Barry J. Cheney, Legislator
Rob Sassi, Legislator
Betsy Abraham, Legislative Counsel
Darcie Miller, Commissioner of Social Services and Mental Health
Irina Gelman M.D., Commissioner of Health
Christopher Ericson, Deputy Commissioner of Health
Laurence LaDue, Commissioner, Valley View Center
Donna Strecker, Director of Finance, Valley View Center
Kerry Gallagher, Deputy Commissioner of Finance
Gretchen Riordan, Budget Analyst

Mr. O'Donnell opened the committee meeting at 4:01 p.m. and asked everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislators Amo and Anagnostakis who were absent.

On the agenda was a discussion on hazard pay.

Mr. O'Donnell explained that there have been some preliminary discussions with CSEA and the County Executive's office; however, he wanted to bring this to the attention of the Legislature. His understanding was that employees who worked from home for the entirety of the pandemic would not be eligible for it. They still need to discuss the parameters on the time frame and how many employees would be eligible. He requested that Laurence LaDue, Commissioner, Valley View Center and Dr. Gelman, Commissioner of Health to provide him with the number of employees in their departments that could be eligible. Budget season is upon them and with the amount of reimbursement they are receiving from the federal government they are in good financial shape, and they owe it their employees for answering the call. The Department of Labor defines Hazard Pay as the following: "Pay for performing hazard duty or work involving physical hardship" and they have many employees that fit that bill.

Mr. Luján moved request to reclassify one
(1) Fiscal Technician, Grade 14 to Data
Analyst (Mental Health), Grade 15, 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 stated that the Department of Mental Health submitted a proposal to Assemblywoman Aileen Gunther for funds to support the expansion of the police/mental health collaborative crisis response. On September 16, 2021, they received confirmation from Assemblywoman Gunther that she secured \$1 million, over two years, to support the expansion of the Orange County Crisis Continuum. It will cover the Towns of Wallkill and Mount Hope and the cities of Middletown and Port Jervis. September is Suicide Awareness Month and National Recovery Awareness Month and there are a number of events scheduled to promote awareness and prevention. Community agencies interested in expanding community-based services for children, youth, and families – A Prior Approval Review (PAR) was submitted by local agency to New York State Office of Mental Health for a Children’s Crisis Residence, and they will be engaging with the New York State Office of Mental Health regionally as they review for approval. She asked that they continue to support social media marketing messages regarding the increase in substance use and opioid overdoses and that they consider dissemination and posting as part of their education and **prevention effort**. All mental hygiene services continue to actively provide services and are going back to in-person sessions; however, a majority of services are still being offered remotely/virtually. Project Hope services are active in the community and are supporting behavioral health intervention at vaccinations pods, providing support groups, wellness training, and individual counseling for those impacted by the pandemic. All services can be accessed by calling 3-1-1. Lastly, on October 1, 2021, the “Celebrate Recovery Picnic in the Park” will be held at the Thomas Bull Memorial Park in Montgomery.

Mr. Tuohy asked about the status of the satellite in the Monroe-Woodbury School District and if it was still with the attorneys. Ms. Miller replied yes, but they are close. The memorandum of agreement has been in the hands of the attorneys for approximately two years, and it seems that the last hurdle was addressing Wi-Fi. In addition, the Goshen Central School District and Chester Union Free School District are interested in a satellite.

Mr. Tuohy commented that when these satellites were started so much was going on at schools and with the pandemic it is needed even more, he thanked Ms. Miller and her staff for all their hard work.

Ms. Miller added that they are available, to an extent, to provide support and services and to refer and connect young people to services. They are struggling because they do not have enough prescribers for young people as they struggle to get appointments. They will be meeting early next month with some local pediatricians across the county to see how they can help them through this crisis and to help prescribe and support youth that are stabilized therefore allowing slots to open for other young people. The Crisis Respite for Children has come through from New York State which would provide the opportunity for youth to spend between five and thirty days in places where they can be stabilized and keep them out of the hospital and allow them to stay in their community.

Mr. Luján asked if the Crisis Respite was for adults only. Ms. Miller replied yes, 18 and older with the only respite for youths being “A Friends House” which is not a medical model.

Ms. Sutherland requested that Ms. Miller provide the committee with a brief synopsis after the meeting with the pediatricians.

Mr. Chapman addressed the question asked by Mr. Tuohy in regard to the satellite in the Monroe-Woodbury School District. One of the issues with the contract is mutual indemnification, meaning we want them to indemnify them for our bad acts and they want us to indemnify them for their bad acts. The county has private mental health records on computers that will be stored in their school. If one of their employees and/or someone breaks into one of those computers illegally the County could be sued and he wants to be indemnified for that. With all due respect to Ms. Miller, it was not that the attorneys have just had this for two years it's a legitimate issue and he knows that Mr. Tuohy has expressed his concerns in the past.

Mr. Tuohy asked if the indemnification issue has been resolved and if not, how are they getting closer. Mr. Chapman replied no, but they are getting closer on other issues.

Mr. Luján moved request to approve advanced step hiring for the position of Supervising Public Health Nurse, which will enable them to start at a Step 5 raising the current starting salary from \$36.7700/hr. to \$43.4125/hr., seconded by Ms. Tautel.

Motion carried. All in favor.

Ms. Tautel moved request to reclassify the position of Supervising Public Health Nurse, Grade 16 to an Epidemiologist, Grade 15, seconded by Mr. Luján.

Motion carried. All in favor.

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

Dr. Gelman stated that as of today, they have 54,011 cases ,and to date, 896 deaths. Since the August report, the Health Department has reopened its Call Center to help with the increased number of phone calls coming into the Health Department. The very busy summer of children's camps, pools, beaches, and festivals are slowly coming to an end, but they are transitioning their nursing division into school related vaccinations. Mandatory School vaccinations other than COVID-19 are at an all time low and they are working with schools and pediatricians to ensure they are adhering to those guidelines. The design meetings, proposed schematics, and architectural review of the Medical Examiners facility continues to progress in a positive direction. Their nursing division continues to be busy with activities outside of COVID-19 including a continued increase in STI's. The Centers for Disease Control and Prevention (CDC) continues to report Orange County with a rate of HIGH transmission with respect to COVID-19. They are aware that clusters are on the rise again with multiple workplaces having positive employees. With schools reopening, they are also tracking positive cases in school districts and working with those administrations with isolations and quarantines. On August 31, 2021, the Health Department started its Wastewater COVID-19 analysis project at six different Wastewater Treatment Plants in Orange County. As they are completing baseline data collection, preliminary quantifiable results are confirming the presence of high viral burden of SARS CoV-2, indicative of active transmission throughout the County. State

and federal COVID-19 funding has been redistributed with \$8 million going to BOCES toward mandatory testing and other COVID-19 related grant allowed school activities. Vaccination POD's have been conducted recently at the SUNY Orange campuses for students and staff going back to school and the county's COVID-19 map has been updated to reflect the age distribution chart. The nursing division continues to vaccinate the homebound population that register on their website or are in contact with the Office of The Aging. Residents can go to <https://www.orangecountygov.com/2080/Homebound-Vaccination> to register. They have received numerous calls in anticipation of emergency use authorization for younger youth as well as booster/third doses and they are planning different activities such as Countywide vaccination efforts. In addition, the Pfizer vaccine has been FDA approved; however, the third dose and the first and second dose for ages 12 to 15 remain under the emergency use authorization. Discussions are being held on the pending Pfizer approval for the 5 to 11 age category. Moderna and Johnson & Johnson still remain under emergency use authorization.

Dr. Gelman addressed current COVID-19 statistics. As of today, they have 54,011 cases. Their rolling 10-day average as of September 15, 2021, was 117 cases per day. That is an increase of approximately 20% since the last report on August 12, 2021 (97 cases per day). Their 7-day average percent positivity rate as of September 14, 2021, was 5.1%, up from 4.1% on August 11, 2021. For the month of August, the median age was 33 years as compared to 34 years in the month of July. Nineteen deaths were reported in August and five deaths reported as of September 15, 2021. The median age for the August deaths was 62.5 years of age as compared to 67 years of age in July. Of the 896 deaths, 281 have occurred since they began vaccinating in January 2021 and of those 281 deaths, 9 were in individuals that were fully vaccinated, and they were with older adults with comorbidities. Vaccination reduces hospitalization and death ten times, and the disease breakthrough rates are typically over exaggerated and/or taken out of context. Disease breakthrough in fully vaccinated individuals remains very rare despite what they have been hearing. For fully vaccinated individuals in clinical trials (prior to the variants that have emerged), breakthrough cases were at less than 1% of the total participants. In clinical trials with fully vaccinated individuals after the delta variant, breakthrough cases were at 12% and locally, they vary by 5% to 6% with breakthrough cases expected to occur. She emphasized that vaccinated individuals are far less likely to contract and/or transmit COVID-19 and remain infected for a shorter period of time and are less likely to be hospitalized and/or die from COVID-19. The transmission of COVID-19 continues to be fueled by unvaccinated individuals that continue to contract and transmit disease for the third and fourth time including potentially mutated strains that could become vaccine resistant. The Centers for Disease Control and Prevention (CDC), the New York State Department of Health and the Orange County Department of Health conducted a Rapid Community Assessment to address vaccine hesitancy in Orange County. The common reason cited in the report for not being vaccinated against COVID-19, especially in the young healthy population, was because they trust their immune system or some variation of that line. The same was said by individuals who have had COVID-19 and believe they have developed a natural immunity; however, COVID-19 is unpredictable and with the Delta variant they are seeing more young people develop long-term complications present to hospitals. She emphasized the need for people to be vaccinated even if they have had COVID-19 in the past. Declining the vaccine is more than a personal decision as an infected individual can transmit the virus others, including the immunocompromised who are at grave risk for illness, and children under the age of 12 who cannot yet be vaccinated. While natural infection does provide some level of immunity it has not been viably measured and the length of time remains a question.

Mr. Luján expressed his concerns with vaccine hesitancy, frustration over wearing masks, possible negatives of wearing masks for long periods of time and the contradictory messages across the media. He asked that Dr. Gelman highlight some of the concerns on vaccine hesitancy and for Dr. Gelman's professional opinion on a resolution that will be coming before the legislature opposing vaccine mandates and whether it would negatively impact their mission and mutual desire to protect the residents of Orange County. Dr. Gelman replied that, from the public health perspective and the population as a whole, there needs to be buy-in from that population. Overall, the vaccination rate for Orange County is at 55%. They have a disease that is currently propagating at double the transmissibility with the delta variant, but it comes down to prospective. While she could offer background on the science involved in population health and that context in terms of herd immunity and the potential that mass vaccination has in them reaching herd immunity threshold that is a protective population health wide measure. She cannot comment on the legislative and/or legal impact because any mandate and/or legal position would rely solely on who wears the crown. They need buy in from the population and broader education efforts as far as viable confirmed and reliable information that they are constantly and consistently providing through the Orange County Health Department and that information is available on the County website, County app and numerous other platforms. At the end of the day, the individuals making the choice to be vaccinated are hopefully considering the impact of their decision on the population as a whole and the potential propagation of disease. If they do not reach the 80% threshold or more of a total population the disease will continue to propagate. If they do not reach that threshold and herd immunity capacity and stop disease from propagating, they will continue to see resurgence of the disease including clusters and emerging variants and at some point, they could possibly become vaccine resistant. When they are defining the settings for mandates, they are not just congregate in nature as they consider the risk benefit and analysis of propagation of disease in those settings and how crippling they are to those settings. In her opinion, this would be a much larger discussion, but she would gladly provide the scientific, clinical, population health impact and perspective.

Mr. Luján asked if Dr. Gelman felt that a mandate versus a non-mandate would amplify or make things easier for the Health Department. Dr. Gelman replied that it would be difficult to answer as it goes beyond her personal perspective on the subject. However, they are seeing an uptick in vaccinations due to the current mandates, but individuals are making the choice to remain employed as opposed to declining vaccination and terminating their employment. She is hoping for a wider education campaign on the need to vaccinate and a broader understanding as to why they take protective measures.

Mr. Luján asked about the continued rise in STD's among their youth. During the budget process in 2020 they put forth a position that would address these concerns and numbers and he inquired if Dr. Gelman was still looking to fill that position. Dr. Gelman replied yes, and they are now third in New York State with respect to STD's.

Mr. Tuohy asked about tracking the residual long-term effects of COVID-19. Dr. Gelman replied that they are seeing a tremendous amount of long-term impact issues from COVID-19; however, they are not tracked as far as numbers, and they do not have that information currently. They are tracking reinfection rates and they can retrospectively look at ER visits and clinical presentation to see if they are rooted in the initial COVID-19 infection but unfortunately many people present to abundance of medical providers in various locations making it very difficult to do that as an indicator. There are some preliminary studies that are currently being published particularly cardiovascular and respiratory impact.

Mr. Neuhaus addressed Mr. Luján's question on the proposed vaccine legislation. In his opinion, it was the most ridiculous thing he has seen. They are not making anyone take the vaccine and why would they take a stance like that, and no one cares what the Orange County Legislature says because it is above them. The Governor and/or the President of the United States have made some of these mandates and why would they even go there.

Mr. Luján thanked Mr. Neuhaus for coming in and speaking to them on this subject as they share the same belief on this issue. He expressed concerns that it would amplify the hesitancy that they are already seeing and that is not something they want. While they may disagree on certain things, they all want to protect their community members and see to it that their residents do not lose a family member. He applauded Mr. Neuhaus for taking that position as it should not be something they are doing in Orange County.

Mr. Neuhaus added that both he and Dr. Gelman live this and take it personally and it is very frustrating when they see things like this.

Ms. Tautel thanked Mr. Neuhaus for taking that stance. She understands "your right, your body" however, this bill could harm those that are on the fence in getting the vaccine. She will be making a motion on the floor that it be withdrawn if it passes through the Rules, Enactments and Intergovernmental Relations committee because it sends out the wrong message.

Mr. Neuhaus added that he would be presenting the Orange County budget next week and they have bigger priorities that should be addressed. This would be a big waste of time and a terrible message to send out.

Ms. Tautel moved request to supplemental appropriation of funds in the amount of \$40,000.00 for a proposed 2021 capital expenditure to continue with residential unit refurbishments (Room finishes: wallcovering, handrails, signage, TV's, etc.) (Appropriated Surplus), seconded by Mr. Tuohy.

Mr. LaDue explained that this was an annual appropriation.

Motion carried. All in favor.

Mr. Luján moved to request supplemental appropriation of funds in the amount of \$100,000.00 for a proposed 2021 capital expenditure to support upgrades to information technologies (Appropriated Surplus), seconded by Ms. Tautel.

Mr. LaDue explained that the funds would be used for Notebooks, Monitors Tablets, Televisions and Webcams.

Ms. Bonelli asked if they were still on track with respect to Valley View's appropriated surplus and whether they have enough funds through the end of the year. Ms. Strecker replied that since 2018, the facility has been using surplus to fund their capital expenditures. They submitted their 2022 budget and they will be seeking to bond future capital projects. This will allow them to preserve the cash they have and stretch the debt over several years. At last glance they had

approximately \$50 million in their surplus account; however, next month is the end of the quarter and she would like to present them with an analysis on where they are at the end of the third quarter.

Motion carried. All in favor.

On the agenda was the monthly report on Valley View.

Ms. Strecker explained that IGT funding remains at \$1.5 million, other revenues at \$24.7 million, and emergency disaster assistance at \$22,200.00. They have received information that there could be a fourth round of relief funding that Valley View could be eligible for and after reviewing the criteria they will submit their application, but they do not know how much that could be at this time. On the personal services side, personal services were at \$14.2 million, equipment at \$55,710.00, contractual at \$5.5 million, employee benefits at \$11.3 million and serial bond interest at \$94,368.00.

Mr. Tuohy asked if there was a set pattern on receiving IGT funding as it seems like they are lagging. Ms. Strecker replied yes; however, it is tied to a specific amount in a pot of money that continues to grow each year. It is also tied in some ways to the upper payment limit which is established by The Centers for Medicare & Medicaid Services (CMS). They are still on target, it was approved in the budget, and they fully expect to receive IGT funding; however, the amount they would receive is still unknown.

Mr. Tuohy asked if that could change from the \$7.5 million. Ms. Strecker replied yes.

Mr. Tuohy asked when they might anticipate hearing anything. Ms. Strecker replied that they should be receiving another payment around September/October.

Mr. LaDue added that this would typically be the time of year that they receive the letter letting them know about the next payment.

Ms. Strecker continued stating that in August their census was 80.66% and the average for the first eight months was 75.71%. Their medicaid utilization was at 77.00%, medicaid (HMO) at 3.17% and medicare at 12.00%.

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

Mr. LaDue stated that Valley View's census today, was at 75.55%. They currently have no residents with COVID-19, but four staff members are out due to being COVID-19 positive or due to COVID-19 contact precautions. They have 93% of their residents that have been vaccinated and 84% of staff and they continue to regularly offer the vaccine to residents and staff. The Orange County Department of Health was at the facility last week and conducted a vaccine POD for staff with ten staff members participating. New York State recently issued a COVID-19 vaccine mandate for all nursing home staff and Valley View staff must have at least one dose of the vaccine by September 27, 2021. As of today, Valley View has 80 unvaccinated staff and at the start of the mandate Valley View had 160 unvaccinated staff. Due to this large number of unvaccinated staff, they have closed a unit to consolidate services and stopped taking new admissions for a month to ensure they can provide the necessary care to their residents during and after this COVID-19 vaccine mandate. The

Valley View CHHA currently has fifteen patients, and each patient typically receives four rehab visits a week, two by physical therapy and two by occupational therapy. These visits occur after an initial visit/assessment has been completed by the RN, developing the patients plan of care. Valley View, like many other healthcare facilities, continues to struggle to hire new nursing staff (RNs, LPNs, and CNAs). They currently have electronic billboard ads on Route 17 seeking all nursing positions and they continue to advertise on Indeed, the Orange County website, and social media.

Mr. O'Donnell asked what would happen after the September 27, 2021 vaccine mandate expires. Mr. LaDue replied that just like with measles, mumps and rubella vaccine they added on the COVID-19 vaccine as a health requirement to be employed at Valley View and if they do not meet that requirement they will no longer be employed.

Mr. O'Donnell asked what preparations have been made in regard to staffing. Mr. LaDue replied that they would stop taking admissions and if they have to consolidate another unit, they will do so. They are working on other avenues for additional staff and he will be meeting with the County Executive on his proposal for hiring bonuses for new staff and referral bonuses for current staff.

Ms. Tautel moved resolution designating October 2021 as "Domestic Violence Awareness Month," seconded by Mr. Luján.

Motion carried. All in favor.

Mr. Luján moved resolution of the Orange County Legislature recognizing October 15, 2021, as "White Cane Awareness Day," seconded by Ms. Tautel.

Motion carried. All in favor.

Ms. Sutherland moved resolution of the Orange County Legislature designating October 2021 as "Breast Cancer Awareness Month," seconded by Ms. Tautel.

Motion carried. All in favor.

The meeting adjourned at 5:33 p.m.