

MAY 22, 2008

HEALTH & HUMAN SERVICES COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 9E-1 (2008)

COMPTROLLER: Copy of Letter to Ms. Jan Peters, Buffalo Federation of Neighborhood Centers, Inc.
(5-0)

b. COMM. 9M-12 (2008)

COLUCCI & GALLAHER, PC: Materials Distributed at the May 1, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation
(5-0)

2. INTRO 9-7 (2008)

RATH AS AMENDED

WHEREAS, the Berger Commission on Health Care Facilities in the 21st Century was created to ensure that the regional and local supply of hospital and nursing home facilities is best configured to appropriately respond to community needs for high-quality, affordable and accessible care, with meaningful efficiencies in delivery and financing that promote infrastructure stability; and

WHEREAS, the mandate of the Commission was to consider and be sensitive to local needs throughout its deliberations; and

WHEREAS, Legacy Healthcare, LLC is a local nursing home provider operating three nursing homes in Erie County; and

WHEREAS, Legacy Healthcare, LLC operates at near capacity, providing 440 beds for seniors in our community; and

WHEREAS, Legacy Healthcare, LLC employs more than 600 employees; and

WHEREAS, the Berger Commission has called for Legacy Healthcare, LLC to give up all 220 beds at its Williamsville Suburban location and terminate operations altogether; and

WHEREAS, such an action would result in the termination of over 250 employees, mostly coming from the City of Buffalo; and

WHEREAS, the negative economic impact of the Berger Commission's edict will exceed \$18 million; and

WHEREAS, these recommendations are not sensitive to local needs; and

WHEREAS, offers to Legacy Healthcare, LLC to implement Berger Commission recommendations have been inconsistent with offers made to other nursing home providers; and

WHEREAS, Legacy Healthcare, LLC's efforts to negotiate in good faith to offer fair and equitable solutions to issues outlined by the Berger Commission have been rebuffed.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature request that the State of New York enter into good faith negotiations with Legacy Healthcare, LLC to adequately and equitably address the recommendations of the Berger Commission report; and, be it further

RESOLVED, that the State of New York immediately disburse to Legacy Healthcare, LCC the total amount of the "Medicaid Base Year Appeal" owed to Legacy Healthcare, LCC; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Commissioner of Health Richard Daines and the members of the Western New York Legislative Delegation; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson and the local delegation of the New York State Legislature.
(5-0)

**THOMAS J. MAZUR
CHAIR**