

March 11, 2021

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2D-3 (2021)
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 12/2020”
(Chair’s Ruling)
 - b. COMM. 4E-1 (2021)
COMPTROLLER: “Letter to Commissioner of Social Services Concerning COMM. 3E-9 (2021)”
(Chair’s Ruling)
 - c. COMM. 4E-2 (2021)
COMPTROLLER: “Follow-Up Letter to Commissioner of Social Services Concerning COMM. 3E-9 (2021)”
(Chair’s Ruling)
 - d. COMM. 4E-13 (2021)
COMPTROLLER: “Letter to Chair of Legislature Concerning COMM. 3E-9 (2021)”
(Chair’s Ruling)
 - e. COMM. 4E-14 (2021)
COUNTY CLERK: “Update on EC Clerk's Office COVID-19 Response”
(Chair’s Ruling)
 - f. COMM. 4D-6 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 2/6/21”
(Chair’s Ruling)
 - g. COMM. 4D-8 (2021)
COMMISSIONER OF SOCIAL SERVICES: “Response to Comptroller's Letter Regarding COMM. 3E-9 (2021)”
(Chair’s Ruling)

- h. COMM. 4D-9 (2021)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
 - i. COMM. 5E-1 (2021)
COMPTROLLER: “Letter to Chair of Legislature Regarding COMM. 3E-9 (2021)”
(Chair’s Ruling)
 - j. COMM. 5D-4 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 2/13/21”
(Chair’s Ruling)
 - k. COMM. 5D-7 (2021)
DEPUTY COMPTROLLER - AUDIT: “Audit of EC Dept. of Health”
(Chair’s Ruling)
 - l. COMM. 5D-9 (2021)
DEPUTY COMPTROLLER: “Letter to County Attorney's Office Concerning COMM. 3E-9 (2021)”
(Chair’s Ruling)
 - m. COMM. 5D-10 (2021)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
2. INTRO. 4-3 (2021)
**BASKIN, MEYERS, HARDWICK, JOHNSON,
CHIMERA, GILMOUR & VINAL**
WHEREAS, the care of our most vulnerable persons is one of the government’s most important functions, and our senior citizens residing in nursing homes, long term care facilities and skilled nursing facilities are amongst the most-vulnerable persons during the COVID pandemic; and

WHEREAS, our seniors deserve the most compassionate care possible in their golden years, particularly for those who are confined to nursing facilities and who are not ambulatory or who cannot leave those congregate settings; and

WHEREAS, as of February 4, 2021, in 2020 and 2021, Erie County lost 621 people who died in nursing homes whose deaths were confirmed as caused by COVID-19, and lost 211 people who died in nursing homes whose deaths are presumed to be of COVID-19 and lost 9 people who were nursing home residents whose deaths were confirmed as COVID-19 but who died in the hospital, and lost 6 people who died at adult care facilities in Erie County whose deaths were confirmed and we mourn those losses; and

WHEREAS, the New York State Department of Health issued a comprehensive report in July 2020 (revised on February 11, 2021), entitled “Factors Associated with Nursing Home Infections and Fatalities in New York State During the COVID-19 Global Health Crisis,” indicated, among other things, that infected staff without symptoms accounted for the bulk of the spread as during the peak in mortality in nursing homes in 2020 it was not known that people without symptoms were contagious; and

WHEREAS, the Office of the New York State Attorney General recently issued a report which was critical of the care provided by nursing home operators across New York during the COVID pandemic, finding allegations of patient neglect and other concerning conduct that may have jeopardized the health and safety of residents and employees such as lack of compliance with infection control protocols; and

WHEREAS, the State Attorney General also found that a large number of people who died in the hospital of COVID had been nursing home residents at the time they contracted COVID-19 and were reported as hospital deaths and were not published as related to a nursing home; and

WHEREAS, a court order that prompted the release of new numbers from the State concerning the COVID deaths in nursing and related long-term care facilities, recently increased the state’s long-term care COVID-19 death toll from about 8,500 to around 15,000 when including presumed and confirmed cases, when previously presumed but not confirmed cases were excluded from the number of deaths released daily by the State and such exclusion was so noted in the daily figures released; and

WHEREAS, some State Legislators are now calling for hearings and inquiries by the State Assembly and State Senate concerning the COVID reporting discrepancy, as well as the care and preventive measures utilized by nursing home operators to protect their residents and staff.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for a State inquiry into the measures undertaken by nursing homes, long term care facilities and skilled nursing facilities to address COVID-19, including preventive measures to protect residents and staff; and be it further

RESOLVED, that the Erie County Legislature requests the New York State Department of Health provide this Honorable Body and the residents of Erie County the results of said State inquiry into the measures undertaken by nursing homes long term care facilities and skilled nursing facilities to address COVID-19, including preventive measures to protect residents and staff, as soon as possible to promote transparency, decrease confusion, decrease worry, and allow for informed decision making and informed consent for patients, residents, and their family members; and be it further

RESOLVED, that this Honorable Body declares our support for the health and wellbeing of senior citizens as evidenced in our 2017 passage of Ruthie’s Law to help protect seniors; and be it further

RESOLVED, that certified copies of this resolution to be transmitted to the Governor, State Health Commissioner and the local New York State Legislature delegation.
(6-0)

3. COMM. 5E-13 (2021)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services, applied in the summer of 2019 to the New York State Department of Transportation (NYSDOT) for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funding for the operation of the Department’s Going Places Transportation Program; and

WHEREAS, the Going Places program provides older adults, who have no other means of transportation, with rides to medical appointments, grocery shopping, and senior centers for congregate meals, with the Department of Senior Services performing the central dispatch function for the program in partnership with Erie County municipalities and subcontracted transportation service providers; and

WHEREAS, NYSDOT has recently awarded the Department, Section 5310 Enhanced Mobility Grant funding under two categories:

- 1) Vehicle Purchases - \$82,058 to cover 80% of the purchase price of two replacement mini-busses.
- 2) Operating Assistance - \$284,000 to reimburse, up to 50% of the costs of Going Places’ wheelchair and other rides

and

WHEREAS, the operating assistance grant and vehicle purchases are both for the period January 1, 2021 to September 30, 2025, which covers their expected useful lives; and

WHEREAS, NYSDOT will retain the \$82,058 awarded for the vehicles and use the monies to purchase the two mini-busses for the Department of Senior Services through a NY State Office of General Services purchasing contract; and

WHEREAS, NYSDOT requires the Department of Senior Services to make a check payable to the NYSDOT for \$22,565 which represents the required 20% local share of the two mini-busses plus a contingency of 10% for possible cost changes and send the check to NYSDOT upon grant contract execution; and

WHEREAS, the Department of Senior Services proposes to use the 163CSE2021 Motor Vehicles Account and its existing county budgeted county share to cover the \$22,565 to fund the 20% local share of the two mini-busses; and

WHEREAS, no additional County funds are required to secure this new grant funding as the Department has identified transportation appropriations in the existing Areawide Agency on Aging (Title III-B2021), and NYS AAA Transportation Program (AAATRAN2122), and Community Services for the Elderly (CSE2021 and CSE2122) grants. Based on transportation costs through March 2022 ensuing successor grant year(s) budgets to the above listed grants might need to be utilized. These various grants will provide the required local match for the mobility management and operating assistance funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with the NYSDOT to accept the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funding for the mobility management and operating assistance and vehicle purchases both for the period January 1, 2021 to September 30, 2025; and be it further

RESOLVED, that the County is authorized to acquire the two mini-busses and upon passage of this resolution, pay the NYSDOT the 20% local share plus the 10% contingency for possible cost changes by issuing a check for the required local share of \$22,565 payable to the NYSDOT from existing appropriations taken from the 163CSE2021 grant's motor vehicle account; and be it further

RESOLVED, that the budget for the 5310 Enhanced Mobility Grant for the period January 1, 2021 to September 30, 2025 (163EMOBLTY2125) be established as follows:

| REVENUES | | INITIAL BUDGET |
|----------|---------------------------|-------------------|
| Account | Description | |
| 414000 | Federal Aid | \$284,000 |
| 417000 | Contributions-Participant | <u>\$6,000</u> |
| | TOTAL REVENUE | <u>\$290,000</u> |

| APPROPRIATIONS | | INITIAL BUDGET |
|----------------|------------------------------|-------------------|
| Account | Description | |
| 516020 | Professional Services & Fees | <u>\$290,000</u> |
| | TOTAL APPROPRIATIONS | <u>\$290,000</u> |

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, and the Department Senior Services. (6-0)

4. COMM. 5E-15 (2021)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services participated in a pilot study of the Aging Mastery Program (AMP) in 2016 and 2017 as part of a collaborative effort of The New York State Office of Aging (NYSOFA) and the National Council on Aging to build evidence of the effectiveness of AMP across New York State; and

WHEREAS, the results from the pilot projects conducted both locally and across the country show that the AMP participants significantly increased their physical activity levels, healthy eating habits, use of advanced planning, social connectedness, and participation in evidence-based self-management programs after taking the core curriculum; and

WHEREAS, the Population Health Collaborative previously awarded the Department \$54,000 to operate AMP classes during the period May 15, 2018 through August 15, 2020, (163AMP1820); and

WHEREAS, the Population Health Collaborative now desires to extend the contract and provide an additional \$4,000 of grant funding for the Department to pilot a virtual AMP program model through April 15, 2021; and

WHEREAS, no additional County funds are required as the grant is 100% funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to extend the contract with the Population Health Collaborative to accept \$4,000 of AMP grant monies for the virtual operation of the program through April 15,2021; and be it further

RESOLVED, that the Department’s 163AMP1820 grant budget is amended as follows:

| REVENUES | | INITIAL BUDGET | CHANGE | AMENDED BUDGET |
|----------------|------------------------------|----------------|---------------|----------------|
| Account | Description | | | |
| 417060 | Other Income Senior Services | \$54,000 | +\$4,000 | \$58,000 |
| | | INITIAL BUDGET | CHANGE | AMENDED BUDGET |
| APPROPRIATIONS | | | | |
| 510000 | Local Mileage | \$680 | | \$680 |
| 530000 | Other Expenses | 34,400 | +\$2,000 | 36,400 |
| 916390 | ID Senior Srvs Grant | <u>18,920</u> | <u>+2,000</u> | <u>20,920</u> |
| | TOTAL | \$54,000 | +4,000 | \$58,000 |

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenue which may be impacted by changes to grantor awards; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive’s Office, Division of Budget and Management, Comptroller’s Office, and the Department of Senior Services.
(6-0)

5. **COMM. 5E-16 (2021)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, for every fatal opioid overdose there are dozens of overdoses where the victim is revived with naloxone; and

WHEREAS, the hours and days after a non-fatal overdose are often when the individual with opioid use disorder is most open to beginning a path to recovery; and

WHEREAS, Erie County has begun a pilot program to link persons to medication assisted treatment (MAT) after non-fatal overdoses and before they have a chance to occur; and

WHEREAS, the U.S. Department of Justice has decided to fund an expanded virtual version of the NYMatters linkage to MAT in Erie County; and

WHEREAS, this program will allow the Erie County Department of Health to support local law enforcement outreach to individuals with opioid use disorder to address the challenge of repeat overdoses through linkage to treatment on the spot and connection to a peer in recovery for ongoing support; and

WHEREAS, UBMD Emergency Medicine has agreed to expand the NYMatters project to a virtual platform; and

WHEREAS, the University of Buffalo Primary Care Research Institute (PCRI) has agreed to continue evaluation efforts on the project; and

WHEREAS, this grant in the amount of \$1,200,000.00 and requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the United States Department of Justice in the amount of \$1,200,000 to be budgeted as follows:

“Comprehensive Opioid Stimulant, and Substance Abuse Site-Based Program (COSSAP)”
127COSSAP2023
10/1/20 – 9/30/23

| SAP | REVENUE | BUDGET |
|--------|--------------------|---------------------------|
| 414000 | Federal Aid | \$1,200,000 |
| | TOTAL | <u>\$1,200,000</u> |
| | EXPENSES | |
| 516020 | Prof services | 840,000 |
| 500000 | Full time salaries | 211,288 |
| 502000 | Fringe | 133,116 |
| 510100 | Out of Area Travel | 9,000 |
| 510000 | Local Travel | 4,500 |
| 505000 | Office Supplies | 2,096 |
| | TOTAL | \$1,200,000 |

and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of two (2) Peer Navigator – SUD Job Group 3 Step 0 positions (B100#12242) fully funded by grant funds; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with UBMD Emergency Medicine; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with State University at Buffalo, Primary Care Research Institute; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(6-0)

6. COMM. 5E-18 (2021)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services wishes to provide Older Adults in Erie County with necessary transportation services; and

WHEREAS, the Town of Amherst had been providing wheelchair transportation for older adults in the Town, through Amherst Senior Transportation Services (ASTS) a not for profit entity, that has encountered regulatory obstacles to continue providing wheelchair van service; and

WHEREAS, the Department of Senior Services is able to provide wheelchair van service for older adults living in the Town of Amherst in partnership with ASTS; and

WHEREAS, ASTS has agreed to reimburse the Department of Senior Services for 25% of the cost of wheelchair rides the Department provides to older adult residents of the Town of Amherst; and

WHEREAS, appropriations are available in the Department's Professional Services account (#516020) in the 163CSE2122, 163AAATRAN2122 and III-B2021 grants to cover the projected annual net cost of \$18,750 to provide wheelchair rides for older adults living in Amherst, for the period April 1, 2021 through March 31, 2022; and

WHEREAS, ASTS has in its possession a used 2017 E350 Ford Phoenix (VIN 1FDEE3FS8HDC12758) wheelchair van with 36,500 miles, which they are unable to use due to the aforementioned regulatory obstacles; and

WHEREAS, the wheelchair van is stated to be mechanically sound by ASTS; and

WHEREAS, as part of negotiations and a shared cost plan the Department will purchase the ASTS van for an agreed price not to exceed \$34,500, pending the outcome of County inspections as to the condition of the van; and

WHEREAS, appropriations are available in the Department's 163CSE2021 grant's Motor Vehicle account (#561440) to pay for the van.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with Amherst Senior Transportation Services (ASTS), for the period of April 1, 2021 through March 31, 2022, and begin providing wheelchair rides to eligible Amherst residents 60 years and older, with ASTS reimbursing the Department of Senior Services for 25% of the cost of each ride; and be it further

RESOLVED, that pending a positive inspection from Fleet Management and Gorman Enterprises, the County Executive be and is hereby authorized to purchase the 2017 Ford E350 Phoenix (VIN 1FDEE3FS8HDC12758) from ASTS at a cost not to exceed \$34,500; and be it further

RESOLVED, that available appropriations in the 163CSE2021 grant's Motor Vehicle account be utilized to pay for the van; and be it further

RESOVLED that available appropriations in the 163CSE2122, 163AAATRAN2122 and 163III-B2021 grants' Professional Services Contracts and Fees accounts be utilized to pay for the wheelchair rides provided to Amherst residents; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, and the Department of Senior Services.
(6-0)

**LISA M. CHIMERA
CHAIR**