

HUMAN SERVICES COMMITTEE
Minutes of Meeting
August 23, 2011
Kenosha County Administration Building

Committee Members Present: Doug Noble, Jeff Gentz, Terry Rose, Ed Kubicki, David Celebre, David Arrington, Erin Decker, Kate Gerou (YIG)

Committee Members Absent: Chris Chae (YIG)

Staff Present: John Jansen, Adelene Greene, Laurie Staves, Cindy Johnson Lorette Mitchell, Frank Volpintesta, Fran Petrick

Others Present: Joe Potente-Kenosha News

1. Call to Order

The meeting was called to order at 6:00 p.m. by Doug Noble.

2. Citizen's Comments

Attorney Randy Nash stated that he represents Roeschen's Pharmacy/Omnicare. They have provided services to Brookside for several years. At the end of June, Roeschen's was told their contract was terminated effective today. There was no hearing, and there still has been no hearing. There was an RFP in 2010. In September or October, Roeschen's received the intent to award the contract to them. We believe they were the low bidder. On that same day, a competitor received a letter saying they were not awarded the contract, and notifying them they had 10 days to appeal. They did not appeal. In December, they sent a letter to Brookside. The County extended our contract for 60 days (3 times). In June, 2011, different procedures were followed. In June we were terminated by a letter saying the previous letter awarding the contract to us was being rescinded. A letter also went to the competitor to give them the contract. There was no indication in our letter of appeal rights. They were 2 different letters. These procedures are different than those spelled out in the appeal. We believe this committee should be concerned about the procedure impact here. A provider that served Brookside for 20 years has been terminated. The same procedure was not used in June as was used in September. It's not equal treatment. The County should be concerned if the lowest bid is not accepted. Concerns were raised about settlements by Omnicare - not Roeschen's - but Omnicare. There were no admissions of liability. It's a 2-year old settlement. We should be heard before being terminated. Contracts are different with government and public entities. Lack of equal protection under the law is one of our concerns. Also the lack of a hearing, Roeschen's having the low cost contract, and that contract being kicked out tonight.

3. Approval of Minutes - 7/26/11

MOTION to approve minutes by Jeff Gentz, seconded by David Arrington. MOTION CARRIED UNANIMOUSLY.

4. Resolution to Approve County Executive Appointment of Dr. James Santarelli to the Board of Health

Cindy Johnson distributed a profile paper on Dr. Santarelli, who has a practice in Family Medicine with Aurora Health Care. He has been a physician for 18 years and has assisted our Health Division over the years. He is also an advisor to KUSD. He is out of the country and could not appear tonight.

MOTION to approve by Terry Rose, seconded by Ed Kubicki. MOTION CARRIED UNANIMOUSLY.

5. DADS: Resolution to Modify 2011 Budget for Additional Funding for Well-Being Classes

John Jansen stated that a \$41,000 grant was received from the UW-Madison Institute for Aging to provide Well Being classes for older adults. Funding will be used for the recruiter/screener and class facilitators, class supplies and participant transportation. This is based on a program developed in Italy. We will hold 8-week classes, run about 6 times a year. We will recruit older adults for this program from the Senior Center, through our ADRC, and will advertise in our Senior Chronicle publication. No levy is involved.

MOTION to approve by Jeff Gentz, seconded by David Arrington. MOTION CARRIED UNANIMOUSLY.

6. Health: Resolution to Modify 2011 Budget for Additional Funding for the Kenosha County WIC Program, Demonstration Kitchen Project

Cindy Johnson said that the Health Division received additional funding of \$13,332 for the WIC Program to purchase kitchen appliances and plumbing fixtures to be used in the creation of a demonstration kitchen for program participants. The Community Action Agency runs this program. They will have 100 participants in a Fit Families Program to show them how to utilize fruits and vegetables in cooking. This will promote healthy eating and meal preparation. This is only one component of the Fit Families Program and the demonstration kitchen will be located at the WIC office located at 2000 - 63rd Street. This facility will be open to other community agencies as well, including Gateway.

Erin Decker questioned the high cost of \$3,000 for the oven stating the cost seemed high for an oven, adding that she would never pay that much. David Arrington responded that a convection double wall oven does cost \$3,000. These prices are correct. He spoke from his background in architecture and as an engineer. These units are built to be used for high capacity, not residential use. These are commercial grade items similar to what you would find in schools, churches, and restaurants, and are built to last 10-15 years. He has dealt with this equipment and is very comfortable with the pricing of these items.

Kate Gerou said she assumed people are not required to attend this program, so how do you get them to attend? Mr. Jansen replied that the 100 number will not be a problem. People will want to attend these food classes.

Ms. Gerou further noted that these equipment costs did not include labor and asked how the labor would be paid. Ms. Johnson explained that the total project cost is over \$80,000 and the Community Action Agency will use grants, donations, and other fundraising.

Mr. Arrington asked if this committee could be invited to tour this demonstration kitchen when it is finished. He feels it would be good for the committee members to see where this money is going. Ms. Johnson said she will pass this request on to Pam Halbach, Director of the Community Action Agency.

MOTION to approve by Ed Kubicki, seconded by Terry Rose. MOTION CARRIED UNANIMOUSLY.

7. Approval of Resolution: Authorization to Proceed with Contracts to Form, Join, and Operate an Income Maintenance Administrative Consortium

Adelene Greene stated that State law was modified to require counties with a population less than 750,000 to form consortia with other counties to run the IM program. Milwaukee County is the only county over 750,000, so effective 1/1/2012, Kenosha County will need to be in a consortium to operate the IM program. We are forming a consortium with Racine County. Walworth County was to have been part of our consortium but, because of their smaller size compared to Racine & Kenosha, they opted to join another consortium that includes Fond du Lac, Washington, Waukesha, and Ozaukee Counties. We need approval of this resolution to move forward with our Racine-Kenosha consortium.

Jeff Gentz asked if this committee could see the final agreement that County Executive Kreuser enters into. Ms. Green replied that we can bring it back as an informational item. Mr. Jansen added that it needs to be back to the State by October 1, 2011. Ms. Staves stated that we won't have the final agreement until at least the first quarter of 2012.

MOTION to approve by Jeff Gentz, seconded by David Arrington. MOTION CARRIED UNANIMOUSLY.

8. 2011 Human Services 2nd Quarter Budget Update

Laurie Staves reviewed the DHS Financial Status Report through 6/30/11, which shows the Department being "under" budget by \$1,216,000.

In the DADS budget, we are projecting a savings of \$548,943 in state institute costs, and a savings of \$47,412 in outpatient services. Pharmacy services have increased. People are losing jobs and their drug coverage. Overall DADS is projecting a savings of \$287,148 at year end.

Brookside: As 6/30/11, the average Medicare Resident Cost Per Day is \$356.98. This helps to pay for Medicaid beds. We are \$47,412 under budget. We have had an occupancy of 100 more days than in previous years. YTD census average is 28 Medicare, 93 Medicaid, and 30.7 Private Pay.

Two weeks ago, Congress told CMS to set their rates, so we just learned that effective 10/1/11, our Medicare rates are decreasing. We will lose \$80 a day per bed. At our 3rd quarter report, we will have a projected analysis of this affect on Brookside's year-end budget (as requested by the Finance Committee on 8/11/11).

Terry Rose asked if the pharmacy costs are up or down at Brookside. Ms. Staves replied that she doesn't have that information broken out in this report, but she could get back to him with that information.

Erin Decker referred to Page 7, stating that Brookside is not hitting its budgeted census numbers. She would like to see the figures of what the actual numbers would be if we were hitting the actual numbers budgeted - each specific breakdown for all categories.

Jeff Gentz asked if there was a waiting list and about private pay residents. Ms. Staves deferred to Fran Petrick. Ms. Petrick replied that there is no waiting list for Private Pay. It's a difficult market because it's expensive to stay in a nursing home. The waiting list is for Medicaid and people who don't even need to be in a nursing home.

Mr. Rose said to Ms. Staves: "I want to know now if Brookside is going to have a deficit at the end of the year. We need to know that now. Why don't you have that?" Ms. Staves responded that we just got this information. We are still crunching numbers.

Mr. Rose said that was a very poor answer and requested it be put on the next agenda.

Doug Noble stated that this committee will not wait until the 3rd quarter report and will put it on the next meeting's agenda. John Jansen cautioned the committee members that any number we come up with now can change. It will be irresponsible for us to come in with changing numbers.

Mr. Rose said that he was tired of seeing Brookside subsidized. It's Brookside's deficit. It's not acceptable.

Doug Noble asked: "Didn't we hire a person to get 29 Medicare beds? We are below the target, and if the rate is dropping \$80, we should re-think that position." Mr. Jansen replied that if you look at the Census History at the bottom of Page 7, those beds "have" increased. Mr. Noble responded, "Those beds would have gone up without that position".

David Arrington asked that DHS keep this committee in the loop. He also commented that he doesn't like how we are having these discussions. We are all under stress to keep our County fiscally responsible.

MOTION to receive and file by Jeff Gentz, seconded by Erin Decker. MOTION CARRIED UNANIMOUSLY.

9. CLOSED SESSION per 19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Omnicare)

MOTION to go into closed session by Jeff Gentz, seconded by Ed Kubicki.

Terry Rose is opposed to going into closed session, stating that Frank Volpintesta issued an opinion and the cite needs to be more specific. Mr. Rose sees this as a policy issue. When they received the letter, they knew absolutely nothing about this issue. He wants to know why we are not going with the lowest bidder. This is a public policy issue. The issue of legal strategy is different. He will vote against a closed session and urges other committee members to vote against it.

Frank Volpintesta stated that if this committee wants to stay in open session, the meeting is over right now. It's not on the agenda as a policy issue. A motion to adjourn is in order if that is what you want to do. We have outside counsel on this.

Mr. Rose said he isn't interested in litigation. He wants to know why the contract was revoked.

Mr. Volpintesta will not discuss this in open session.

Roll Call Vote to go into closed session: Jeff Gentz, Erin Decker, David Celebre, Ed Kubicki, David Arrington, Doug Noble, Kate Gerou (YIG) - all 'YES'. Terry Rose - 'NO'.

CLOSED SESSION MINUTES - SEPARATE CONFIDENTIAL DOCUMENT

10. Return to Open Session

MOTION to return to open session by Ed Kubicki, seconded by Erin Decker. MOTION CARRIED UNANIMOUSLY.

11. Such Other Business as Authorized by Law

At Doug Noble's request, Adelene Greene explained that Racine County is in the process of passing an ordinance regarding FoodShare Fraud. They are proposing that (when it has been proven) people who have committed FS fraud be fined at 3 different levels: 1st time offense would be fined at \$300, 2nd offense at \$600, and 3rd offense at \$900. It has not gone through all committees yet. They also need the DA and Sheriff's Dept. on board. It's difficult to prove "intent". Oftentimes, they say they didn't know. Brown County currently has this type of ordinance, and they have a dedicated deputy to investigate and issue tickets. It then goes to Court, the judge rules, and if it has been proven, the fine stands.

Ms. Greene added that because Kenosha will be teaming with Racine in the IM consortia, it follows that Kenosha may also pursue this type of ordinance. Mr. Noble asked Ms. Greene to report back on this plan at a later date.

12. Committee Members Comments

Doug Noble mentioned a letter he received from Mary Knapp. He would like to hear our side of the story. It seems it would be favoring the private pay people who can afford to pay at the beauty shop. He would like to discuss this at a future meeting.

Fran Petrick said she has a meeting scheduled on this subject tomorrow.

Ed Kubicki added that a few people also called him about this same issue.

13. Adjournment

It was moved to adjourn by Terry Rose, seconded by Erin Decker. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Sharon Davis
KCDHS Secretary