

MEETING TYPE: Sullivan County Commissioners Business Meeting Minutes
MEETING DATE: Monday June 17, 2013
MEETING PLACE: Unity, NH – County Complex, Sullivan County Health Care Facility, Frank Smith Living Room, 5 Nursing Home Drive, 03743
THOSE PRESENT: Commissioners Jeffrey Barrette – Chair, Bennie Nelson – Vice Chair and Ethel Jarvis – Clerk, Greg Chanis – County Manager, Ted Purdy – Sullivan County Health Care Administrator, and Ross Cunningham – DOC Superintendent

3:05 Meeting opened

Agenda Item No. 1 Sullivan County Health Care Administrator Report, Ted Purdy

Mr. Purdy reviewed May financials and resident census for Sullivan County Health Care [Appendix A.]

Mr. Purdy reviewed staffing levels indicating specifically that Cindy Brady had been hired to replace Nora Kells-Gordon in the Social Services Dept. Ms. Gordon is retiring.

Mr. Purdy reviewed a proposed addendum to the contract with Genesis Healthcare for Rehabilitation and Therapy Services. A short discussion ensued.

Commissioner Jarvis made a motion to accept the addendum [Appendix B.1-6], Comm. Nelson seconded and the motion passed unanimously

Agenda Item No. 2. Department of Corrections Superintendent Report, Ross L. Cunningham

Mr. Cunningham distributed and discussed the current census [Appendix C]

Mr. Cunningham reviewed current staffing levels and indicated there were currently three open CO positions.

Mr. Cunningham briefed the board on a plan to offer additional programming to offenders. The proposed plan has been developed working with judges, County Attorney's Office and the Public Defender's Office. Programming will take place in West Central Behavioral Health offices in Claremont. [Appendix D.1-5].

Mr. Cunningham briefed the Commissioners on the letter received from Cheshire County Commissioners [Appendix E.1-3]. He indicated that he believed the majority of the concerns raised were premature based on where the process is at this point and that he would continue to keep the board informed as the process developed.

Agenda Item No. 3 County Manager's Report, Greg Chanis

Mr. Chanis reported there was no new update for the Biomass project financials. Mr. Cressy gave a brief update on the status of construction on the project.

Agenda Item No. 4 County Commissioners Reports

Comm. Nelson reported out on the Grand opening of the Grafton County Biomass facility which he and Mr. Cressy attended.

Agenda Item No. 5. Public Participation

There was no public participation.

Agenda Item No. 6. Meeting Minutes Review

Comm Jarvis made motion to approve 6/3/2013 minutes, Nelson seconded, approved unanimously.

Comm. Nelson made motion to approve and keep sealed 6/3/2013 Executive Session minutes (3:35 pm). Comm Jarvis seconded, approved unanimously.

Comm. Nelson made motion to approve and keep sealed 6/3/2013 exec. Session minutes (3:59pm). Comm Jarvis seconded, approved unanimously

Executive Session 4:05 p.m.

Comm. Nelson made motion to go into Exec. Session per RSA 91-A:3.II.(d). Jarvis seconded, passed by roll call unanimously.

Motion made by Comm Nelson to come out of Executive Session, seconded by Comm Jarvis, passed unanimously.

Motion made by Comm. Nelson to seal minutes of the prior Executive Session (6/24/12 4:05 p.m.). Motion seconded by Jarvis, passed unanimously.

4:43 Motion made by Nelson to adjourn, seconded by Jarvis passed unanimously

Respectfully submitted,



Ethel Jarvis, Clerk
Board of Commissioners

EJ/gc & sjc

Date minutes approved:

7-15-13



Monday June 17th, 2013
3:00 PM Regular Business Meeting
Sullivan County NH, Board of Commissioners

AGENDA – 2nd Revision

Meeting Location: Unity County Complex

Sullivan County Health Care Facility – Frank Smith Living Room – 1st Floor
MapQuest/Google Address: 5 Nursing Home Drive, Claremont, NH 03743

- | | | |
|-------------------|----|---|
| 3:00 PM – 3:20 PM | 1. | Sullivan County Health Care Administrator's Report, <i>Ted Purdy</i> <ul style="list-style-type: none">a. Census Reviewb. Staffing Updatec. Addendum to Rehab Agreement |
| 3:20 PM – 3:40 PM | 2. | Department of Corrections (DOC) Superintendent's Report, <i>Ross L. Cunningham</i> <ul style="list-style-type: none">a. Population Census Reviewb. Staffing Updatec. Discussion Surrounding Community Intervention Programd. Discussion of letter from Cheshire County Commissioners |
| 3:40 PM – 4:00 PM | 3. | County Manager's Report Report, <i>Greg Chanis</i> <ul style="list-style-type: none">a. FY 14 Budget Process Updateb. Biomass CHP Project Update |
| 4:00 PM – 4:20 PM | 4. | Commissioners' Report <ul style="list-style-type: none">a. Old Businessb. New Business |
| 4:20 PM – 4:35 PM | 5. | Public Participation |
| 4:35 PM – 4:50 PM | 6. | Probable Executive Session Per RSA 91-A:3.II.(d) Pertaining to consideration, sale or lease of real estate |
| 4:50 PM – 5:00 PM | 7. | Possible Executive Session Per RSA 91-A:3.II.(a) Pertaining to compensation of public employees |

The times reflected on this agenda, other than the start time, are estimates. Actual time will depend on level of interest and participation.



- 5:00 PM – 5:05 PM 8. Meeting Minutes Review
a. June 3rd 3:00 PM Public Meeting Minutes
b. June 3rd 3:35 PM Exec. Session Meeting Minutes
c. June 3rd 3:59 PM Exec. Session Meeting Minutes
- 5:05 PM 9. Adjourn meeting

Upcoming Events / Meetings:

Jun 19th Wed.

Public Health Network RCC Meeting

Time: 9:00 AM

Place: Newport, NH – 14 Main Street

Jun 25th Tue.

FY 2014 County Budget Convention

Time: 6:00 PM

Place: Newport, NH – Sugar River Bank
Community Room, 10 North Main Street,
03773

Jul 1st Mon.

County Board of Commissioners Meeting

Time: 3 PM

Place: Newport, NH – 14 Main Street, County
Commissioners Conference Room

Jul 4th Thu & Jul 5th Fri State-County Complex in Newport Closed

MAY 2013

31

Appendix A.1

MEDICARE							
	May 2012 Compare	May 2012 AVG CENSUS	May 2013 Actual	May AVG DAILY CENSUS	BUDGETED	BUDGETED AVG CENSUS	VARIANCE
CENSUS:	236	8	163	5	279	9	-116
REVENUE	\$111,050.46		\$68,351.80		\$132,525.00		-\$64,173.20
AVERAGE RATE PER DAY	\$470.55		\$419.34		\$475.00		-\$55.66

PRIVATE							
	May 2012 Compare	May 2012 AVG CENSUS	May 2013 Actual	May AVG DAILY CENSUS	BUDGETED		VARIANCE
CENSUS:	570	18	486	16	558	18	-72
REVENUE	\$141,510.00		\$126,720.00		\$142,290.00		-\$15,570.00
AVERAGE RATE PER DAY	\$248.26		\$260.74		\$255.00		\$5.74

MEDICAID							
	May 2012 Compare	May 2012 AVG CENSUS	May 2013 Actual	May AVG DAILY CENSUS	BUDGETED		VARIANCE
CENSUS:	3,304	107	3,426	111	3441	111	-15
REVENUE	\$471,480.80		\$498,962.64		\$491,030.70		\$7,931.94
AVERAGE RATE PER DAY	\$142.70		\$145.64		\$142.70		\$2.94

HCBC (RESPITE)							
	May 2012 Compare	May 2012 AVG CENSUS	May 2013 Actual	May AVG DAILY CENSUS	BUDGETED		VARIANCE
CENSUS:	0	0	6	0	0	0	6
REVENUE	0		\$961.92		\$0.00		\$961.92
AVERAGE RATE PER DAY	\$0.00		\$160.32		0		\$160.32

MANAGED CARE							
	May 2012 Compare	May 2012 AVG CENSUS	May 2013 Actual	May AVG DAILY CENSUS	BUDGETED		VARIANCE
CENSUS:	31	1	31	1	0	0	31
REVENUE	\$10,850.00		\$18,898.84		\$0.00		\$18,898.84
AVERAGE RATE PER DAY	\$350.00		\$609.64		\$0.00		\$609.64

	May 2012 Compare	May 2012 AVG CENSUS	May 2013 Actual				
TOTAL CENSUS	4,141		4,112		0		
AVERAGE CENSUS	0.0	133		133	0	138.0	
	\$734,891.26		\$713,895.20		\$765,845.70		

-\$51,950.50

MEDICARE B REVENUE							
	ACTUAL		May 2013 Actual		BUDGETED		VARIANCE
	\$57,485.39		\$53,254.50		\$44,643.48		\$8,611.02
	\$792,376.65		\$767,149.70		\$810,489.18		
TOTAL MONTHLY REVENUE VARIANCE							(\$43,339.48)

-\$43,339.48

Revenue Review thru 5/31/2013

DRAFT

A.2

	Annual Budget	335 Days YTD Budget	YTD	Variance	
Medicaid	5,781,491	5,306,300	5,304,025	(2,275)	
Private	1,675,350	1,537,650	1,538,571	921	
Insurance/Managed Care	20,000	18,356	67,926	49,570	
Respite (HCBC)	5,000	4,589	4,008	(581)	
Medicaid Assessment	1,418,025	1,063,519	1,027,374	(36,145)	Paid quarterly (3 payments made)
Medicare Part B (Total)	525,641	482,438	512,212	29,775	
Medicare Part A	1,560,375	1,432,125	1,369,129	(62,996)	
Proshare	1,012,875			-	Paid at end of FY
Net Variance from Operations		9,844,977	9,823,245	(21,732)	
Misc Income	15,000	13,767	63,436	49,669	
Laundry	112,000	102,795	75,604	(27,191)	
Cafeteria	15,000	13,767	25,344	11,577	
Meals	339,164	311,288	311,976	688	
YTD Variance	12,479,921	10,286,593	10,299,605	13,012	

Sullivan County Nursing Home
Quarterly Resident Census

A.3

Resident Census - FY 13

	TOTAL DAYS	MEDICAID		PRIVATE		SKILLED		HCBC		MANAGED		LEAVE		TOTAL DAYS	
	AVAILABLE	DAYS		DAYS		DAYS		RESPITE	CARE		DAYS		FILLED		
Jul-12	4836	3331	77.68%	581	13.55%	339	7.91%	5	0.12%	29	0.68%	3	0.07%	4288	88.67%
Aug-12	4836	3400	79.35%	607	14.17%	265	6.18%	7	0.16%	6	0.14%	0	0.00%	4285	88.61%
Sep-12	4680	3199	80.54%	580	14.60%	188	4.73%	0	0.00%	0	0.00%	5	0.13%	3972	84.87%
1ST QUARTER	14,352	9,930	79.16%	1,768	14.09%	792	6.31%	12	0.10%	35	0.28%	8	0.06%	12,545	87.41%
Oct-12	4836	3319	79.17%	606	14.46%	252	6.01%	0	0.00%	13	0.31%	2	0.05%	4192	86.68%
Nov-12	4680	3333	78.65%	557	13.14%	298	7.03%	5	0.12%	40	0.94%	5	0.12%	4238	90.56%
Dec-12	4836	3354	78.25%	607	14.16%	320	7.47%	2	0.05%	1	0.02%	2	0.05%	4286	88.63%
2ND QUARTER	14,352	10,006	78.69%	1,770	13.92%	870	6.84%	7	0.06%	54	0.42%	9	0.07%	12,716	88.60%
Jan-13	4836	3282	78.03%	622	14.79%	301	7.16%	0	0.00%	0	0.00%	1	0.02%	4206	86.97%
Feb-13	4368	3082	79.31%	551	14.18%	253	6.51%	0	0.00%	0	0.00%	0	0.00%	3886	88.97%
Mar-13	4836	3462	81.96%	542	12.83%	220	5.21%	0	0.00%	0	0.00%	0	0.00%	4224	87.34%
3RD QUARTER	14,040	9,826	79.78%	1,715	13.92%	774	6.28%	0	0.00%	0	0.00%	1	0.01%	12,316	87.72%
Apr-13	4680	3406	83.42%	461	11.29%	189	4.63%	0	0.00%	26	0.64%	1	0.02%	4083	87.24%
May-13	4836	3424	83.27%	486	11.82%	163	3.96%	6	0.15%	31	0.75%	2	0.05%	4112	85.03%
Jun-13	0	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!	0	#DIV/0!
4TH QUARTER	9,516	6,830	83.34%	947	#DIV/0!	352	#DIV/0!	6	0.07%	57	0.70%	3	0.04%	8,195	86.12%
FY '12 TOTAL	52,260	36,592	79.94%	6,200	13.55%	2,788	6.09%	25	0.05%	146	0.32%	21	0.05%	45,772	87.59%
YTD AVG.		109.2		18.5		8.3		0.1		0.4		0.1		136.6	

Avg
Census

136.4

138.2

136.8

134.3

(2-pvt leave)
(1-pvt leave)

Resident Census - FY 12

	TOTAL DAYS	MEDICAID		PRIVATE		SKILLED		HCBC		MANAGED		LEAVE		TOTAL DAYS	
	AVAILABLE	DAYS		DAYS		DAYS		RESPITE	CARE		DAYS		FILLED		
Jul-11	4836	3589	85.60%	483	11.52%	112	2.67%	7	0.17%	0	0.00%	2	0.05%	4193	86.70%
Aug-11	4836	3626	87.21%	494	11.88%	30	0.72%	5	0.12%	0	0.00%	3	0.07%	4158	85.98%
Sep-11	4680	3462	87.12%	419	10.54%	89	2.24%	0	0.00%	0	0.00%	4	0.10%	3974	84.91%
1ST QUARTER	14,352	10,677	86.63%	1,396	11.33%	231	1.87%	12	0.10%	0	0.00%	9	0.07%	12,325	85.88%
Oct-11	4836	3512	82.83%	432	10.19%	294	6.93%	0	0.00%	0	0.00%	2	0.05%	4240	87.68%
Nov-11	4680	3380	81.98%	409	9.92%	333	8.08%	0	0.00%	0	0.00%	1	0.02%	4123	88.10%
Dec-11	4836	3526	82.29%	417	9.73%	340	7.93%	0	0.00%	0	0.00%	2	0.05%	4285	88.61%
2ND QUARTER	14,352	10,418	82.37%	1,258	9.95%	967	7.65%	0	0.00%	0	0.00%	5	0.04%	12,648	88.13%
Jan-12	4836	3491	83.32%	414	9.88%	273	6.52%	0	0.00%	12	0.29%	0	0.00%	4190	86.64%
Feb-12	4524	3272	82.96%	431	10.93%	239	6.06%	0	0.00%	0	0.00%	2	0.05%	3944	87.18%
Mar-12	4836	3413	80.61%	544	12.85%	252	5.95%	6	0.14%	16	0.38%	3	0.07%	4234	87.55%
3RD QUARTER	14,196	10,176	82.28%	1,389	11.23%	764	6.18%	6	0.05%	28	0.23%	5	0.04%	12,368	87.12%
Apr-12	4680	3248	80.72%	513	12.75%	230	5.72%	0	0.00%	30	0.75%	3	0.07%	4024	85.98%
May-12	4836	3333	80.49%	539	13.02%	236	5.70%	0	0.00%	31	0.75%	2	0.05%	4141	85.63%
Jun-12	4680	3110	76.77%	577	14.24%	332	8.20%	0	0.00%	30	0.74%	2	0.05%	4051	86.56%
4TH QUARTER	14,196	9,691	79.33%	1,629	13.34%	798	6.54%	0	0.00%	91	0.74%	7	0.06%	12,216	86.05%
FY '12 TOTAL	57,096	40,962	82.66%	5,672	11.45%	2,760	5.57%	18	0.04%	119	0.24%	26	0.05%	49,557	86.80%
YTD AVG.		111.9		15.5		7.5		0.0		0.3		0.1		135.4	

Avg
Census

134.0

137.5

135.9

134.2

12-MRA Repl.
CI
CI
CI

A.4

Note: This report includes only the selection criteria listed below.

Effective Date From 5/1/2013 Thru 5/31/2013

Status: All

Sort: AR Type

Summary Admission / Discharge Report

Sullivan County Health Care (SC)

Admissions (Includes Readmits)

Page 1 of 2

06/17/2013 11:30 AM

RI6300B

<i>A/R Type</i>	<i>From/To</i>	<i>Admissions</i>	<i>Readmits</i>	<i>Discharges</i>
HCB	HM Home	0	0	1
	HP Hospital	0	1	0
	<i>HCB Subtotal</i>	0	1	1
MCD	2 Private home/apartme	0	0	0
	20 Expired in Facility	0	0	5
	AL Assisted Living	0	0	0
	HM Home	0	0	0
	HP Hospital	0	0	2
	<i>MCD Subtotal</i>	0	0	7
MRA	20 Expired in Facility	0	0	1
	HM Home	0	0	1
	HP Hospital	2	3	1
	NH Nursing Home	0	0	1
	<i>MRA Subtotal</i>	2	3	4
PVT	HM Home	0	0	0
	<i>PVT Subtotal</i>	0	0	0
<i>Total</i>		2	4	12

Note: This report includes only the selection criteria listed below.

Effective Date From 7/1/2012 Thru 5/31/2013

Status: All

Sort: AR Type

A.S

Summary Admission / Discharge Report

Sullivan County Health Care (SC)

Admissions (Includes Readmits)

Page 1 of 2

06/17/2013 11:30 AM

RI6300B

<i>A/R Type</i>	<i>From/To</i>	<i>Admissions</i>	<i>Readmits</i>	<i>Discharges</i>
HCB	HM Home	1	2	4
	HP Hospital	0	1	0
	<i>HCB Subtotal</i>	<u>1</u>	<u>3</u>	<u>4</u>
INS	HM Home	0	0	1
	HP Hospital	2	1	1
	<i>INS Subtotal</i>	<u>2</u>	<u>1</u>	<u>2</u>
MCD	1 Private home/apartme	1	0	0
	2 Private home/apartme	2	0	0
	20 Expired in Facility	0	0	21
	4 Nursing home	1	0	0
	5 Acute care hospital	1	0	0
	AL Assisted Living	3	1	0
	EX Expired	0	0	6
	HM Home	3	1	3
	HP Hospital	1	11	30
	NH Nursing Home	1	0	0
	<i>MCD Subtotal</i>	<u>13</u>	<u>13</u>	<u>60</u>
MRA	1 Private home/apartme	0	0	0
	20 Expired in Facility	0	0	4
	5 Acute care hospital	4	0	0
	EX Expired	0	0	1
	HM Home	0	1	12
	HP Hospital	27	29	7
	NH Nursing Home	1	1	3
<i>MRA Subtotal</i>	<u>32</u>	<u>31</u>	<u>27</u>	
PVT	1 Private home/apartme	1	0	0
	20 Expired in Facility	0	0	5
	4 Nursing home	1	0	0
	5 Acute care hospital	1	0	0
	AL Assisted Living	2	0	0
	EX Expired	0	0	2
	HM Home	1	0	2
	HP Hospital	1	2	8
	NH Nursing Home	1	0	0
<i>PVT Subtotal</i>	<u>8</u>	<u>2</u>	<u>17</u>	
MRP	HP Hospital	1	0	0
	<i>MRP Subtotal</i>	<u>1</u>	<u>0</u>	<u>0</u>
<i>Total</i>		<u>57</u>	<u>50</u>	<u>110</u>

Interim Aged Analysis

Sullivan County Health Care (SC)

AL

For the Month of May, 2013

Interim Aged Analysis Summary

HCB	961.92					320.64	801.60			1,122.24	801.60	690.08-	3,317.92	
INS	7,314.36	4,451.12	3,162.89	3,865.43	12,785.45	5,068.33	20,249.80	4,220.03	9,429.23	8,141.21	7,817.47	5,678.64	13,027.09	105,211.05
MCD	390,672.88	11,337.25	32,697.69	14,377.73	6,221.62	3,497.79	2,555.51-	2,110.61	1,844.25	575.61	3,076.91		9,579.10	473,435.93
MRA	50,295.80	15,162.23	19,746.12	12,023.39	6,678.34	7,560.74	722.41-	6,768.23	1,549.68	1,373.34-	12.83		4,337.68-	113,363.93
MRB	42,604.20	19,323.46	5,731.15	4,745.79	1,816.05	9,329.04	4,143.93	5,146.71	65.43		19.44	1,098.11	2,406.59-	91,616.72
MXA	8,642.71	15,298.11	15,337.71	12,903.00	4,876.50	5,399.45	3,572.50	4,079.21	2,991.00		1,747.00		3,334.34-	71,512.85
MXB	7,611.32	6,364.61	5,285.96	2,876.47	1,346.15	1,487.63	1,634.19	1,419.32	106.28	50.55	168.50	347.04	3,405.35-	25,292.67
PVT	29,042.76	11,378.40	3,794.64	7,444.00	15,347.44	8,249.09	14,759.70	17,501.83	12,385.20	14,806.59	16,293.86	17,868.48	106,367.85	275,239.84
RES	1,483.61	671.56	1,275.93	583.86	377.36	1,842.21	4,622.35	4,414.40	5,792.74	4,630.86	2,191.88	1,109.86	31,369.00	60,365.62
MRP	18,898.84	15,850.64												34,749.48
	557,528.40	99,837.38	87,032.09	58,819.67	49,448.91	42,754.92	46,506.15	45,660.34	34,163.81	27,953.72	32,129.49	26,102.13	146,169.00	1,254,106.01
	44%	8%	7%	5%	4%	3%	4%	4%	3%	2%	3%	2%	12%	100%

Addendum to Therapy Services Agreement

Background: Expenses for Therapy Services for Medicare Part A patients is based on a schedule relating to Resource Utilization Group Categories. Each category is based on a specific number of minutes of therapy provided. The last change in rates was effective November 2005. (see addendum dated 11/04/05)

Update: The Office of Inspector General (OIG) has concerns with incentivizing different reimbursement/categories. The proposed new schedule is calculated to be reflective of \$1.02 per minute of therapy provided in each category. This represents a per minute rate which is expense neutral (\$1.00/minute) plus a 2% increase.

Request the Sullivan County Health Care Administrator be authorized to sign and execute the "2nd ADDENDUM TO THERAPY SERVICES AGREEMENT" with new therapy rates under Schedule "C" to be effective July 1, 2013.

ADDENDUM TO THERAPY SERVICES AGREEMENT

THIS ADDENDUM TO THERAPY SERVICES AGREEMENT (the "Addendum") is made as of this 1st day of December, 2005, between Genesis Rehabilitation Services, Inc., a Pennsylvania corporation located at 101 East State Street, Kennett Square, PA 19348 ("GRS ") and Genesis HealthCare Corporation, d/b/a Sullivan County Nursing Home ("Facility").

RECITALS

WHEREAS, Genesis and Facility have entered into that certain Therapy Services Agreement dated 3rd day of January, 2005 (the "Agreement"); and

WHEREAS, Genesis and Facility desire to amend the Agreement on the terms and conditions set forth herein in this Addendum.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Genesis and Facility hereby agree to amend the Agreement as follows:

ADDENDUM

Schedule C is adjusted as follows:

- UH - \$93.60 per day
- VH - \$72.80 per day
- H - \$57.20 per day
- M - \$37.44 per day
- L - \$18.72 per day

COPY

The Med B rate would be adjusted to 78% of the HCPC. There would not be an adjustment to our managed care rate or our premium time rate.

Effectiveness of this Amendment. Except as provided in this Addendum, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Genesis and Facility, intending to be legally bound, have duly executed this Addendum as of the day and year first written above.

Genesis Rehabilitation Services, Inc.

By: Mary Wynn
Mary Wynn, Acting VPO, Territory 1
Genesis Rehabilitation Services

Date: 11/21/05

Sullivan County Nursing Home

By: Ed Gil de Rubio
Ed Gil de Rubio, County Manager

Date: 11/04/05

2nd ADDENDUM TO THERAPY SERVICES AGREEMENT

THIS ADDENDUM TO THERAPY SERVICES AGREEMENT (the "Addendum") is made this 30th day of May, 2013, by and between Genesis Eldercare Rehabilitation Services, Inc., d/b/a, Genesis Rehabilitation Services, a Pennsylvania corporation ("Genesis") and Sullivan County Nursing Home ("Facility") located at 5 Nursing Home Drive, Claremont, New Hampshire 03743.

RECITALS

WHEREAS, Genesis and Facility have entered into that certain Therapy Services Agreement dated **September 15, 2002** (the "Agreement"); and

WHEREAS, Genesis and Facility desire to amend the Agreement on the terms and conditions set forth herein in this Addendum.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Genesis and Facility hereby agree to amend the Agreement as follows:

ADDENDUM

- 1. Schedules "A" and "B" are attached hereto with no changes.
- 2. Schedule "C" is revised and attached, effective July 1, 2013.

Effectiveness of this Amendment. Except as provided in this Addendum, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Genesis and Facility, intending to be legally bound, have duly executed this Addendum as of the day and year first written above.

Genesis Eldercare Rehabilitation Services, Inc.

Sullivan County Nursing Home

By: _____
Genesis Authorized Signature

By: _____
Authorized Signature

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

SCHEDULE "A"

SERVICES

Genesis agrees to provide the following clinical rehabilitation services:

Physical Therapy

Occupational Therapy

Speech/Language Pathology

Screenings on an annual basis

- Annual
- Admission
- Re-Admission
- Referral

Care Plan Participation – Patients on active case load

Participation in Clinical Meetings – falls prevention, contractures prevention, restraint reduction, wound rounds, weight loss

Daily Admission/Medicare Meetings

MDS Completion of Appropriate Rehabilitation Section for Patients on active case load

Two In-service programs per year for Center staff

Restorative Program Recommendations

Denials Management

Utilization Data

Facility may request Genesis to provide additional, non-routine services. Such request should be approved, in advance, by an authorized individual of the Facility. Genesis will provide requested non-routine services at a rate of fifty dollars (\$50.00) per hour.

Initials Date

FACILITY

Initials Date

GENESIS



SCHEDULE "B"
FEES FOR RESIDENTS OTHER
THAN THOSE COVERED UNDER
MEDICARE "A"

1. For residents covered under Medicare Part B, and other Fee for Service arrangements, Facility agrees to compensate Genesis for all clinical rehabilitation services and related activities provided by Therapists at 78% of the Outpatient Fee Schedule established by the Centers for Medicare and Medicaid Services ("CMS").
2. For residents covered under Per Diem Managed Care Contracts, Facility agrees to compensate Genesis for all direct clinical treatment at sixty dollars (\$60.00) per hour. Direct clinical treatment time will be established prior to treatment being delivered.
3. None of the provisions of this Schedule "B" apply to residents covered under Medicare "A"

Initials Date

FACILITY

Initials Date

GENESIS

B6.

SCHEDULE "C"

FEES FOR RESIDENTS COVERED UNDER MEDICARE "A"

Facility agrees to compensate Genesis for all clinical rehabilitation services and related activities provided by Therapists at the following rate:

RUGS Classification	Rate
Rehab Ultra High	\$ 104.91 per day
Rehab Very High	\$ 72.86 per day
Rehab High	\$ 47.36 per day
Rehab Medium	\$ 21.86 per day
Rehab Low	\$ 6.56 per day

1. The established rates would apply to each day the resident is placed in a rehabilitation RUG up to and including the day of discharge from the skilled rehabilitation program..

2. The established rates would apply to residents receiving rehabilitation services but placed into a non-rehabilitation RUG group; or residents who receive services on the day of discharge from the Medicare A program; or residents who receive services on a day in which the resident is not counted in the Medicare A census (Midnight Rule).

Initials Date

FACILITY

Initials Date

GENESIS



Sullivan County Department of Corrections
 103 County Farm Rd
 Claremont, NH 03743

Appendix C

Intra-Department Memorandum

From: Sgt. Coughlan Date: June 17th, 2013
 Subject: Daily Report At: Classification Department
 To: Superintendent Ross L. Cunningham

POPULATION DATA:

House of Corrections	Pre-Trial Inmates	Protective Custody	Home Confinement
Male – 38	Male – 23	Male – 0	Male - 5
Female – 11	Female – 3	Female – 0	Female - 3

Total In-House Population: 76 (Home Confinement – 8) In-House Population on 6/17/2012– 79

Unit Breakdown (included in the above count):

Unit 1 – 18	Male Flex – 9	Female Flex – 5
Unit 2 – 5	Male Treatment – 8	Female Treatment – 3
Unit 3 – 18	Male Work Release – 7	Female Work Release – 0
OBS – 3		

Jail Total: 44 CCC Total: 32

CENSUS DATA:

Cheshire Cty	Belknap Cty	Strafford Cty	Weekender
Male – 1	Male – 0	Male – 0	Male - 2
Female – 0	Female – 0	Female - 0	Female - 1
Hillsbor. Cty	NHSP/SPU/VTSP	Merrimack Cty	Furlough
Male – 2	Male – 10	Male – 4	Male - 0
Female – 0	Female – 1	Female – 0	Female - 0

Total Census Population: 105 Census Population on 6/17/2012– 107

Individuals Housed at SCDOC for other Facilities:

1 Males from NHSP
 2 Females from Rockingham County DOC

Individuals seen by P&P prior to release:

Pre-Trial Services Program – Total: 11 Male – 10 Females - 1

Sharon Callum

Appendix D.1

From: Ross Cunningham <rcunningham@sullivancountynh.gov>
nt: Thursday, June 13, 2013 2:55 PM
To: 'Sharon Callum'
Subject: FW: SCCJ -- CIP
Attachments: CIP - SCDOC - 052413.doc

Ross L. Cunningham
Superintendent
Sullivan County DOC
103 County Farm Rd
Claremont, NH 03743
603 542-8717 ext 435

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Jan Peterson [mailto:jpeterso@nhpd.org]
nt: Friday, May 24, 2013 11:42 AM
cc: Sharon Callum; R.Cunningham-DOC Supt; Jane Coplan; Marc Hathaway-Cnty Atr.; Sheriff Michael Prozzo; Suellen M. Griffin; Kevin Warwick-ASAI; B Cardello; JYazinski@courts.state.nh.us
Cc: Lori Keefe-DOC; Denice M. Conkey; Mel O'Sullivan-A.O.
Subject: SCCJ -- CIP

May 24, 2013

To: Members of the Sullivan County Criminal Justice Coordinating Committee (SCCJCC)

From: Jan Peterson

Re: Paperwork relevant to implementing front end solutions in the Circuit and Superior Courts; formally titled, Community Intervention Program (CIP)

Brief History/Summary

This committee has met for a number of years to develop solutions for justice involved individuals in the county who require more than "traditional" incarceration. The resultant Community Corrections program has met the needs of higher need/higher risk individuals by developing programs in the house of corrections and aftercare for the transition to the community. TRAILS has been "tweaked" over the years to adapt to the needs of the jail populations as identified by the staff; by the inmates/participants; by the county attorney's office and other prosecutors; by the defense bar; by the various community providers; and by the courts. This memo is to sum up the new program, as best as my memory serves and possibly to raise some questions. I have also provided a sentencing template.

At this juncture, the need for "front end solutions" has been identified and discussed at more recent meetings. This concept, loosely labeled "community based intervention services", is designed to meet the needs of justice involved individuals who do not need any extensive incarceration or extensive probation supervision. The goal is to provide a mechanism in the circuit and district courts for lower level offenders to have the resources and services they need to lead more productive lives. This goal serves the community's needs to lower recidivism rates while not overreaching in terms of money spent or services provided. This program is not designed exclusively to be used by the circuit courts, but is also available as a sentencing option for appropriate individuals in the superior court.

The model for this program is post sentencing, a deferred sentence. The amount of time deferred is based on the nature of the offense, the offender's record, and other relevant factors. The offender is expected to be involved in the program for 90 days. The deferred and/or consequent suspended sentence can last no more than 2 years. This gives the individual the opportunity to take advantage of the program in a reasonable time frame without overburdening the court or the treatment providers. There will be no dual supervision with probation. Their services are stretched thin at this point in time. It is also of note that the population being served does not need said supervision. However, this implicates due process concerns and jurisdictional issues. To that end, the prosecution must file a motion to impose for failure to complete the program. A form (Matt Hogan?) was/is being developed for this to make sure that said motion would be filed in a timely manner. The courts will agree to schedule said hearings ASAP. The public defenders will provide a lawyer, although it may not always be the lawyer from the original case given the time constraints. The goal is to deal with "failure" in a timely manner. Obviously, one of the issues is what is failure and when is someone terminated from the program (thereby having part or all of the sentence imposed) versus "tweaking". See Stapleford v. Perrin, 122 N.H. 1083 (1982) (the defendant must know in plain and certain terms what punishment has been exacted by the court as well as the extent to which the court retained jurisdiction to impose punishment at a later date and under what conditions the sentence may be modified) and progeny. The Sullivan County DOC would notify the courts or probation once the offender has completed programming. It seems unnecessary to have "graduation." However, some acknowledgement of completion should be filed so that the offender knows what is next. This could be accomplished by scheduling periodic reviews in the court

The "Treatment Needs and Services" (distributed and discussed at last meeting) include the following options, not exhaustive (not all offenders will need every option, TBD after assessment):

- Thinking for a Change
- Prime for Life/Prime Solutions
- Employment Services / Education
- Family Program
- Drug and Alcohol Testing
- Electronic monitoring (as needed)
- Case Management
- Clinical Services
- Parenting and money management resources
- Urinalysis
- Vocational rehabilitation

The programs would be scheduled for the individual in the afternoons or as a day long program model depending on the availability of treatment providers and locations. The offender will be told in detail about his/her individual requirements and the expectation as to timing, completion, how often and where. See Stapleford v. Perrin, 122 N.H. 1083 (1982) (the defendant must know in plain and certain terms what punishment has been exacted by the court as well as the extent to which the court retained jurisdiction to impose punishment at a later date and under what conditions the sentence may be modified) and progeny. This presupposes a pre adjudication conversation with the lawyer about the nature of the program and the general requirements.

Once an offender is sentenced to the program, h/she would be sent to the DOC for an assessment then placed in the appropriate programs. It was discussed that the offender would have to go to the jail for 24-48 hours. I think this is unnecessary. We should discuss this further. Perhaps the assessment could be timed to match up with availability of the folks at the jail.

See attachment for proposed sentencing sheets. This is not every possible permutation. For example, there may be mandatory fines; suspended sentence even after some time served and terminated from the program. The court may not know the date and time of the assessment. I have the concern (always) that the conditions are not known at the time of sentencing due to the logistics and timing of a quick resolution, sentencing and then participation. Do the due process folks among us think it is acceptable to refer to program requirements by reference, rather than with specificity?

NEW HAMPSHIRE CIRCUIT COURT
5TH CIRCUIT COURTS – DIVISION CLAREMONT / NEWPORT
(circle one)

STATE V. _____

DOCKET NO(S): _____

DEFERRED SENTENCE / REVIEW HEARING -
COMMUNITY INTERVENTION (CIP)

The court orders the following:

- The defendant has been sentenced to _____ days in the Sullivan County House of Correction. Said sentence is deferred upon condition of completion of the Community Intervention Program (CIP).
- The defendant's sentence includes a fine of \$ _____, which does not include a 24% penalty assessment. This fine is deferred/suspended upon condition of completion of the CIP.
- The defendant's sentence includes the Community Intervention Program. The defendant will be assessed by appropriate personnel at the Sullivan County Department of Correction (SCDOC) on _____. After the assessment, the defendant will be informed of specific requirements for completion of the program. The defendant shall meaningfully participate in CIP as recommended by the SCDOC. The program is expected to be completed in approximately 90 days. Failure to complete the requirements of the program may result in the imposition of the deferred sentence and/or fine after a court hearing.
- A deferred review is scheduled for _____. At that time progress in the program shall be assessed and further review date scheduled.
- Subsequent review dates will be scheduled as necessary: _____; _____; _____. Meaningful participation in CIP shall continue as required by SCDOC.
- Other conditions of the sentence shall include good behavior, which is defined as not committing any felony, misdemeanor or serious motor vehicle violation during the deferred period.
- Other conditions of the sentence include:
_____.

- The defendant has complied with the conditions of the deferred sentence. The defendant's sentence is suspended until _____ (2 years from original date of sentencing).
- The defendant has not complied with the conditions of the deferred sentence. The SCDOC will modify/amend the requirements as necessary.
- The defendant has not complied with the conditions of the deferred sentence. The defendant is sentenced to _____ days in the Sullivan County House of Corrections.

Date

Justice

County of Cheshire

33 West Street, Keene, NH 03431
www.co.cheshire.nh.us



June 6, 2013

Dear Fellow Commissioners

We write to share with you our deepening concern over the proposed-new Code of Administrative Rules and Certification Standards for County Correction Officers, and we ask that this matter be placed on the agenda for a thorough discussion at an appropriate upcoming meeting of the Commissioners' Council.

We recognize that the proposal is still in the draft stage and that the County DOC Superintendents have not yet had an opportunity to participate in the crafting of the document. It is certainly not our intention to intervene in that process. We look forward to those discussions by the Superintendents. We believe, however, that the draft as it now stands poses such fundamental changes in the authority of all County Boards of Commissioners that the Superintendents might benefit greatly from a conversation with their Commissioners prior to entering into discussions with their peers on the proposed draft.

At the present time the New Hampshire Association of Counties *coordinates* the certification of county corrections officers. As we understand it the NHAC has the *pro forma* role of certifying officers once they have graduated from the Correction Officers Academy for the purpose of their qualifying for Group II status within the NH Retirement System.

Under the various sections of RSA 30-B it is the County Commissioners, and not the NHAC, who have authority over, and responsibility for, the Correctional facility within each of their counties, including the determination of the hiring, firing and discipline of correctional personnel, including the Superintendent, subject to the restraints of RSA 28:10a. This, of course, is in keeping with the decentralized view of government which New Hampshire has maintained since its inception.

We regret to say that, as we read them, the new proposed Administrative Rules would significantly weaken this cherished decentralized view of government by diluting considerably the powers of County Commissioners to control our own Houses of Correction. In addition, these new Rules would require Superintendents to surrender their control over their employees to a centralized bureaucracy with a newly created Correction's "czar".

The Academy Coordinator

It is our understanding that, at the present time, there exists a position called "Academy Coordinator", currently filled by a retired Superintendent, whose sole task is to see to it that the Correction's Academy functions smoothly. He is a facilitator. The Proposed Code gives the Academy Coordinator sweeping new authority, to wit:

Area Code 603

♦ County Commissioners 352-8215/Fax 355-3026 ♦ Registry of Deeds 352-0403/Fax 352-7678 ♦ Finance Department 355-0154/Fax 355-3000 – 33 West Street, Keene, NH 03431 ♦ County Sheriff 352-4238/Fax 355-3020 ♦ County Attorney 352-0056/Fax 355-3012 – 12 Court Street, Keene, NH 03431 ♦ Alternative Sentencing/Mental Health Court 355-0160/Fax 355-0159 – 265 Washington St. Keene N.H. ♦ Department of Corrections 825 Marlboro Street, Keene, 03431 - 903-1600/Fax 352-4044 ♦ Maplewood Nursing Home & Assisted Living 399-4912/Fax 399-7005 – TTY Access 1-800-735-2964 ♦ Facilities 399-7300/Fax 399-7357 ♦ Human Resources 399-7317/399-7378/Fax 399-4429 – 201 River Rd, Westmoreland, NH 03467

NHAC Corrections Academy – Page 2

- He shall be the chief Compliance Officer for all correction officers throughout the State.
- In that role he shall have the power to tell the Certification Board whether a candidate who has graduated from the Academy should or should not be a Certified County Correction Officer.
- Even more significantly, he shall have to power to tell the Board whether an existing Correction Officer should have his Certification renewed, suspended or decertified.

As presently proposed under this Code a County Superintendent who has hired a CO, sponsored him or her through the Academy and overseen his or her job performance on a daily basis, would have absolutely no role to play in determining whether that officer is decertified. And it goes without saying that if the Superintendent's role is eliminated, so is that of his bosses, the County Commissioners.

We would point out that under this proposed Code there are no qualifications listed for the position of Academy Coordinator, no term of office set out, and , except for the statement that "he shall report to the NHAC Executive Committee", no accountability. It is unclear to us whether the NHAC Executive Committee would even have the power to remove him or her from office.

The Board of Certification

As we understand it, the Board of Certification currently performs a *pro forma* role – that is, it certifies graduates of the Correction's Academy.

Under the proposed Code the Board, acting in conjunction with the newly empowered Academy Coordinator will have the power of life or death over proposed *and existing* Correction Officers. The Board, and not County Commissioners and not HOC Superintendents, will decide who gets the job of a Certified CO, who gets to keep it and who loses it. It appears to us that the proposed Code gives neither a CO nor a Superintendent the right to make a presentation to the Board prior to its decision, to call witnesses on a CO's behalf, to refute testimony, or even to have the right to see and respond to formal charges by the Board. *In short, the Code does not set for any due process standards to guide or restrain the Board in these decisions although a CO's right to appeal a Board decision is provided for.*

The certification powers of the Board are clear: "on its own initiative" the Board is authorized to "certify, renew decertify, suspend, or discontinue certification for county correction officers". The Boards proposed power of decertification is so broad to include (under proposed section 400-A) "for other good cause shown *including, but not limited to, malfeasance or poor performance*".

Funding the Changes

In addition to our concerns over the language and procedural changes, we are extremely sensitive to the potential cost. We estimate that there are approximately 600 county correctional officers. Assuming a turnover rate of 30%, the certification staff will be required to establish, process and maintain records for 800 officers during the normal course of one year. We estimate that no fewer than 2 full-time employees will be required to administer the academy and attend to all the requirements of certification, recertification, decertification as well as maintaining a computer database of all the personnel information. Assuming that hourly pay for a Coordinator and an Administrative Assistant would be \$17 and \$14, respectively, with the addition of benefits (38%), the NHAC budget could grow by \$100,000, without taking into account such other expenses like NHAC

Corrections Academy – Page 3

telephone, office equipment and supplies or even the availability of office space. Before the NHAC moves too far down this road, these funding questions need to be addressed.

Fixing the Problem?

We understand that the Corrections Affiliate requested a consultation from the National Institute of Corrections (NIC) regarding the general review of the NHAC standards for certifying and decertifying county corrections officers and its basic corrections academy training curriculum. The final report was issued on September 27, 2012 and contained a number of recommendations. Clearly, the NIC is a trusted source for technical assistance in the operation of jails. However, having reviewed the report what we did not see were any statements of what the problems are with the way in which officers are trained and certified currently.

We believe that prior to implementing the recommendations, particularly those with substantial cost associated with them that a connection should be made between the changes and the apparent problems. In other words, if we are going to fix something, we should at least articulate what is broken. Has it been demonstrated that the curriculum is somehow deficient? Does the NHAC end up certifying officers who are not qualified? Do our jails have a pattern of hiring and certifying poorly trained officers? Is there litigation that results from poor performance by correctional officers? Is there a need to actually "decertify" an officer as opposed to merely terminating employment under RSA 28-10a?

These questions need to be answered before changes are made.

Conclusion

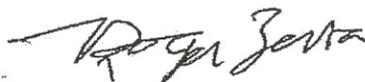
County Commissioners, with the assistance of professional Superintendents, have successfully managed the autonomous jails in New Hampshire for many years. Certainly methods and procedures can be updated and revised, particularly due to new requirements or specific issues and problems. But the report of the NIC consultant, and the resultant changes proposed signal an end to this autonomy. These changes set the stage for a unification of operation that could lead to state-operated jails. Reduced local control, reduced oversight by County Commissioners, reduced authority of Superintendents and conflict with existing statutes are all serious matters that require extensive dialog before actions are taken and changes made. We urge in the strongest manner that the Executive Committee and the Commissioners Council become involved in this process and move in this direction only with eyes wide open and cognizant of the consequences of these changes.

Sincerely,

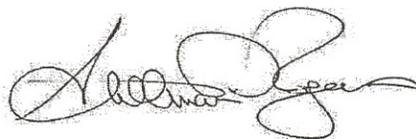
County of Cheshire, Board of Commissioners



John M. Pratt
Chairman



Roger Zerba
Clerk



Stillman Rogers
Vice-Chairman