

Sullivan County NH

Type of Meeting: Board of Commissioners Public Meeting Minutes

Date / Time: January 6, 2005 / 1:30 PM

Place: Newport – Remington Woodhull County Complex, 1st Floor,
Commissioners' Conference Room

ATTENDEES: *Commissioner* Donald Clarke - Vice Chair, Bennie Nelson – *Clerk* and Ethel Jarvis; Ed Gil de Rubio – *County Manager*; John Allard – *Interim Administrator/Nursing Home*; Sharon Johnson-Callum (minute taker). Other public officials who attended and left throughout meeting: Marc Hathaway – *County Attorney*.

PUBLIC ATTENDEES: State / County Delegate – Larry Converse, Damien Fisher – Eagle Times Staff Writer.

AGENDA ITEM NO. 1 BOARD REORGANIZATION

ELECTION OF OFFICERS

a.1. Chair

A motion was made, by Commissioner Jarvis, for Don Clarke to serve as Chair for one year. The motion was seconded by Commissioner Nelson. No discussion. Voice vote: All in favor.

a.2. Vice Chair

A motion was made by, Commissioner Jarvis, that Ben Nelson be made Vice Chair for the Board of Commissioners for one year. The motion was seconded by Commissioner Clarke. No discussion. Voice vote: All in favor.

a.3. Clerk

A motion was made, by Commissioner Nelson, for Commissioner Jarvis to serve as Clerk. The motion was seconded by Commissioner Clarke. No discussion. Voice vote: all in favor.

COMMITTEE APPOINTMENT REVIEW

b.1. Nursing Home Resident Trust Fund Committee. Clarke explained committee reviewed funds which was for the purpose of residents. Committee consists of: Commissioner, State/County Delegate, Treasurer, Nursing Home Administrator and Julie Woodman. It was noted meetings were coordinated by Julie Woodman, posted, and timed so that they are held prior to a Delegation meeting. **Commissioner Jarvis was appointed to the committee.**

b.2. 5% Monies / Incentive Funds – It was explained, that these monies are funds sent back from state to be distributed to various social agencies. Meetings are held once a year and normally involve a morning. **All Commissioners participate.**

b.3. Cooperative Extension Committee – Commissioner Nelson is a current committee member and would like to continue. **Commissioner Nelson was reappointed to committee.**

b.4. NHAC Affiliate – This is the New Hampshire Association of Counties Commissioner's

Council. **All Commissioners participate.**

b.5. County State Executive Finance Commission- Appointment to this commission comes from the NHAC President, currently Christopher Boothby. There are five commissioners on the commission, each one representing two counties. **Commissioner Clarke serves as the representative for Sullivan and Cheshire counties. Ed Gil de Rubio serves as alternate back up.**

b.6. Facilities & Land Management Use Committee – County Manager discussed the recent history and work being done, including: tour of Unity land property (in September 04), land management site best use, space assessments needs for both Newport and Unity, Master Planning program adopted in October and the RFP recently sent. County will be sitting down next week with Clough Associates, engineering firm for space assessment at Unity site, with major focus on assisted living. County Manager discussed the block grant and monies set aside– approximately \$25,000: about \$12,500 county funds with \$2,000 from Cooperative Ext. and remaining block grant funds. County Manager recommended a member of the Executive Finance Committee be part of the Facilities and Land Management Use Committee. He listed current committee members: Seth Wilner – UNH Cooperative Extension Educator, County Forester, Bard Flanders - Unity Conservation Committee member, Chuck Miner–NH State Fish and Game, Greg Chanis– County Facilities Director, a Farm Service Agency representative, Jan Heighes – Conservation District. Grant funds are geared towards assisted living. County money can be used to look at building assessment as well as space property. It was mentioned the group previously talked about having two separate groups: Group 1) the facilities-building side that would include **all Commissioners** and Group 2) the land management side. **It was decided to appoint Commissioner Ethel Jarvis to the land management side as the Chair of the committee.** Comm. Clarke will be there to help with Commissioner Jarvis on first few meetings. County Manager listed a few organizations currently interested in County buildings: Sullivan County Region Humane Society and Orion House. Orion House submitted a 45-page proposal and will be meeting with County Manager next week. Clarke pointed out that there had been a history of deferred maintenance on County facilities and feels they need to do the upkeep on the good buildings and to come to a decision on the others. County Manager discussed key issues coming to forefront. After civil engineer consulted, they estimate needing about \$700,000 to One Million mechanical work on Nursing Home in heating and ventilation. Other issues at the Nursing Home: walk in freezer and grossly outdated and inefficient kitchen. County Manager, Town of Newport Manager and Town of Newport Comptroller are meeting next week to assess the full Newport complex and future plans. Clarke discussed current land uses: brush hogging on certain fields, lease of land to local farmers, and the conservation trail. Would like to see public use of land enhanced.

AGENDA ITEM NO. 2 MEETING MINUTES REVIEW

DEC 21, 2004 PUBLIC MEETING AND DEC 29, 2004 SPECIAL MEETING MINUTES

1:53 A motion was made by Commissioner Bennie Nelson to approve both the December 21, 2004 Public meeting minutes and December 29, 2004 Special meeting minutes. Commissioner Ethel Jarvis seconded the motion. Discussion: Commissioner Jarvis asked that the December 29, 2004 special meeting minutes include the following addition, on Page 1, First Paragraph under Agenda No. 1, at the end of the paragraph “County Attorney was called for legal

opinion and concurred.” Voice vote: All in favor.

AGENDA ITEM NO. 3 WASTE WATER GRANT ANNUAL GRANT RENEWAL

Minute taker handed original document of the annual renewal to the wastewater grant to County Manager. County Manager went over the agreement with the Board. They need the Chair's signature and full Board of Commissioners must approve the chair signing the document. It was noted there was one more year renewal after this on the grant.

1:56 A motion was made by Commissioner Nelson for the Board to sign the form authorizing the Chair, Donald Clarke, to sign the waste water renewal form. Commissioner Jarvis seconded the motion. No discussion. Voice vote: All in favor.

AGENDA ITEM NO. 4 NURSING HOME INTERIM ADMINISTRATOR JOHN ALLARD

County Manager indicated Mr. John Allard officially started January 1st as the Sullivan County Nursing Home Interim Administrator. County Manager indicated he was impressed by what he's seen so far with the facility. He likes the new atmosphere, the style- they meet each morning with the Department Heads. County Manager asked Mr. Allard to discuss what has been going on since he came on board.

Mr. John Allard

- Genesis Team - Since Monday, he's had a large team of resources from Genesis with some expected to return next week – each member of the team provides him a report in each of their disciplines (fields) and they are receiving feed back from all the staff.
- Priorities - As of today, he sees his priorities as: 1) quality of care – A New Hampshire State follow-up survey is expected to done after January 17th and he wants all issues with that survey fixed, 2) Medicaid and Medicare rates are very important and anticipates increasing them. One person by tomorrow will be there just to handle the Medicare reimbursement side and to make sure the MDS's and documentation is handled properly to get maximum reimbursement - not adding any person - just moving internally. 3) Admissions/marketing - goal to fill up beds and have a mix that is appropriate. He has assigned one person to go from hospital to hospitals looking for referrals. County Manager pointed out that Gail Bicknell is that one person. Allard continued, indicating Cassie Pederson is in charge of admissions, while Bicknell reports admissions to Pederson. Bicknell is an RN and can do admissions on the spot. Bonnie will approve or disapprove the referral faxes from Bicknell's admissions. Allard indicated the current community mindset in the hospitals, ashe's been told this week, is: the county is last resort and if you don't have money that's okay too. He indicated they needed to teach the hospitals the County is an excellent facility for rehab, has a big nursing staff and capabilities, clinically and otherwise, that they might not think we have but do have. 4) Nurse staffing - in middle of evaluation. Allard is looking at staffing patterns being followed and evaluating if they are in line with what has been approved by the County for budgetary purposes. Should have this evaluation completed within two days. Allard will be the one responsible to report to the County Manager that staffing is in line, day to day will be done by someone else and approved by administration. Allard's policy is to process admissions within one hour, seven days a week, if person approved. He concurred there must be a legitimate reason for denial, not that it's 4 p.m. He pointed out 50% are

being denied and unsure the reason. At this point, Board and Manager expressed shock about this information. Allard indicated he has not delved into the exact reasons for denials, could be legitimate, but will keep the County Manager and Board of Commissioners up to date on this issue, on a monthly basis.

- Medicaid reimbursement rate: advised twice a year as to what rate is for the next 6 months - not good news. Decreased from \$124.95 to \$123.89. Allard discussed CMI: case mix indicator. He noted - Sullivan County currently at 88.88% CMI, which he indicated was very low and should be around 102/103% - as average. He indicated CMI represents one component of the number of areas to get cost reimbursement for work done, plus there is the reimbursement for the acuity side. They must document well for each resident, as CMI is part of the reimbursement rate for Medicaid patients. Twice a year, after the nursing home transfers info by modem, the state takes a "picture date". The next "picture date" is March 31st for the August 1st rate change. He indicated, by September 30th the "picture date" should be in a much better position. Commission Clarke pointed out to Representative Converse, as a delegate, the state county delegates should be very aware of budget neutrality which is part of the Medicaid component the County has no control of. This is due to state not putting in enough money, in that line, to reimburse the hospitals the Medicaid rate. In the current rate, the budget neutrality is 14%, per Allard.
- Census – Mr. Allard discussed the December census: for 138 patients a day. 23 private, 1 Medicare at day, 113 Medicaid per day. Yesterday's census: 136 patients, 22 private, 2 Medicare – another Medicare resident being admitted tomorrow.
- Staffing – Quick analysis shows, based on the assumption that current staffing is correct, we need 11 FTE of RN's and 20 of FTE of LNA. Relatively few positions open elsewhere. Know of two unfilled positions in housekeeping.
- December Admissions Review - Have reviewed all December admissions to make sure that there was no one overlooked who might qualify for Medicare – they found none. They also went back 125 days to make sure the facility was billing correctly. They are only half way through their review and have found approximately \$12,000, which could have been billed for. They will re-bill Medicare for this and will monitor the billing on a monthly basis. Allard noted they cannot go back further than the 125 days per regulations.
- Praise to Staff - Mr. Allard praised the staff for the cooperation given to them. He pointed out how he interrupted Julie Woodman during lunch and that she was very good about it. He indicated there are some very good people out there.

Commissioner Clarke indicated he was impressed by Mr. Allard's priorities, concurring quality of care should be at top of list. He noted that he looked at the next three priorities Mr. Allard mentioned and see that they involve revenues, which he feels- as Allard does - that they have not been doing well with that aspect and that the County needs to be more aggressive. Clarke wanted him to be aware of what he hears from families, that there is the lack of consistency in staffing – that the resident see different people each day. Commissioner Nelson concurred on this. Allard indicated, as it pertains to the staffing side, a major part of that is to eliminate agency staff. He indicated there is a place for agency - during special holidays, if in the budget, but feels it snowballs and too quick to be used and should cut down on inconsistencies, if they eliminate the agency staff. County Manager pointed out the priorities Allard just discussed, had been discussed for the last three years. Allard indicated they are meeting with every LNA and nurse, in groups, discussing the whole plan of correction for the survey and to talk about priorities and making sure they are done. During the meetings, he gets a feel of the atmosphere

and at this point apprehension is expressed and acknowledges change is hard. He can assure them, as far as personnel, they will be managed in a fair and decent way.

Mr. Allard left meeting.

AGENDA ITEM NO. 4. COUNTY ATTORNEY

County Manager pointed out that Mark Hathaway was asked to address the Delegates at their next meeting, and that he was here today for the Board of Commissioners to have a chance to express what they are seeking him to discuss.

Commissioner Clarke indicated he felt, due to a number of new delegates, this was a good way to get the year started if the County Attorney could do a short presentation to the Delegation and Commissioners, outlining:

- Legal responsibilities of the Delegation, of the Commissioners and the County Manager. Specifically in terms of financial budget terms where full, EFC, Commissioners and if any legalities are in place. Where do each group's responsibilities lie: in terms of personnel, developing policies for myriad of things, capital improvement. He wants to clear everything and make for a better working environment between Commissioners and Delegation.
 - Hathaway indicated he'd discuss common goals and where authority to act lies. He indicated, in case law there are some clear lines, gray areas and new developments.

Commissioner Nelson would like the County Attorney to discuss the responsibility of staff to Delegates. That there is a policy in place that the Delegates should go through the County Manager.

Commissioner Jarvis asked for clarification of the Right-to-Know (91-A) law, especially as it relates to non-public sessions: what is it and what can be discussed. County Manager has a copy of a memo the County Attorney provided him from the Attorney General's Office, dated in 1996, regarding public / non-public meetings, and will give copies to Commissioners and minute taker. Hathaway indicated one item he wanted to share, was that one of the previous Board of Commissioners concerns, and one of the first things the County Manager did when he came on board, was to review the policies they had with respect to 91-A issues. He indicated, the Commissioners are very mindful of those issue. Because of that, they placed a review policy in place, to review matters which Commissioners deemed appropriate to be confidential at a given time, to sunset them, to come back and periodically look at each issue, and when they become not time sensitive to release them, so that they are not keeping things confidential forever. County Attorney indicated he could discuss this with Jarvis, but feels given the time constraints during the Delegation meeting, that it did not fit the description of what he would be addressing. Commissioner Clarke and County Manager indicated they could add Right-to-Know law matters to a Commissioners Board meeting, if the Commissioners had questions after reading the 1996 memo.

Hathaway expressed to Representative Converse if he or any other Delegate had questions they would like to see answered, they could pass those on to County Manager, also.

- Representative Converse asked Attorney Hathaway if there was any reason he could not receive the Commissioners meeting minutes prior to them approving the minutes at their next meeting.
 - Current policy: Minute taker types minutes and distributes to Commissioners to review and approve at next meeting. Once approved minutes are distributed

publicly by e-mail to delegates.

- Representative Converse questioned who had the authority to sign contracts for the County, especially as he noticed the Board did not sign the Genesis contract.
 - County Manager indicated he was an agent of the Commissioners and during open meetings, the Board would either sign contracts or authorize him to sign. However, at some levels, it does not make sense to review each and everyone case like that. Hathaway noted, the answer, often times is simple yes or know but depends on the matter.

Hathaway indicated County Manager could create of list of any other issues that come up between now and the Delegation meeting, which the Board would like him to discuss.

AGENDA ITEM NO. 5 COUNTY MANAGER'S REPORT

County Manager discussed upcoming events:

- Jan 12th – Retirement Luncheon for Robert Hemenway at Ahern Building, which the Commissioners are invited to, also.
- Jan 18th - Items to be discussed at the next Board of Commissioners meeting: Unity Conservation Easement Request Update by Bard Flanders, Elizabeth Adams of the Student Conservation Association and Orion School Proposal - should have proposal out to them by tomorrow.
- Jan 28th - Delegation EFC meeting @ 9 AM, Full Committee @ 10 AM.
- Jan 31st - United Way would like to be available for employees to answer any questions. County Manager indicated he does not usually like to do this, but indicated he'd try it. He indicated if the Commissioners were against it - we could stop the event.

NHAC Nursing Home Affiliation – County Manager discussed negative feedback received from the NHAC Nursing Home Affiliation pertaining to Sullivan County Interim Nursing Home Administrator or the County Manager participating in future meetings. NHAC President will be meeting with Jarvis, Clarke and County Manager tomorrow regarding situation.

Audit Report – Commissioner Clarke requested update on the “checks and balances” as noted in the County Audit Report Management Letter. County Manager confirmed a meeting was held with all elected officials and the independent auditors. In future, County Treasurer will co-sign all checks on Registrar of Deed's accounts. County Manager confirmed, Graham was completing response to Management Letter and should have it off shortly. County Manager indicated this was a “concern”, on an otherwise good Management Letter, and that County should not see this area of concern in the next audit.

AGENDA ITEM 7 COMMISSIONERS REPORT

PONI (Planning Of New Institute) conference – A 32 hour program held in Colorado, for those planning on building a new facility or adding on to a correctional institute - they feel they are looking at the latter. It was brought to his attention the National Institute of Corrections (NIC) pays all cost up to only four people, and that the only cost would be for transportation from airport to conference center. Clarke pointed out those attending: County Manager, new DOC Superintendent- Scott Hagar, and Facilities Director – Greg Chanis. Because they were in the building review stages,

he felt it was not up for debate to remove one of them from the group. Therefore, it left only one spot for just one of the Commissioners. Commissioner Jarvis pointed out no one had given them a list of who was attending at the December 21st meeting. Comm. Clarke indicated they needed to resolve the issue—since Commissioner Nelson was the senior commissioner of the two and had been restricted from attending the conference previously, he should attend. He noted the conference is one that is repeated later. He recommended Commissioner Jarvis be placed on “stand by” if one person was unable to go from the group.

3:19 Motion made that Commissioner Nelson go to the [PONI] conference along with the others signed up [Scott Hagar – DOC Superintendent, Ed Gil de Rubio – County Manager, Greg Chanis – Facilities]. Commissioner Clarke seconded motion. No discussion. Voice vote: all in favor.

NHAC STATE-COUNTY FINANCE COMMITTEE MEETING

GRANITE CARE PROGRAM

Commissioner Clarke indicated the State-County Finance Committee meeting, planned for January 6th was postponed as they found most county officials were being sworn in. He indicated the Commissioners received an E-mail from Christopher Boothby regarding the up or down vote on Granite Care Program, whether we have confidence in it and if what they have put on the table has met their objectives. Clarke indicated, Boothby pointed to a previous memo date August 17,2004 (See copy attached) signed by all thirty New Hampshire Commissioners which pertained to Medicaid Modernization. Clarke highlighted on the letter, discussing 1) on nursing home reimbursement system and its budget neutrality factor and 2) tobacco revenues, and if it met their criteria. Clarke feels the Granite Care proposal does not address the first and that the second issue of tobacco revenues, which he indicated refers to settlement money - not tobacco tax -was not met either. Clarke feels the proposal is vague on how to get from where they are to where they want to go and silent on the partnership between DHHS and the counties.

AGENDA ITEM NO. 8 EXECUTIVE SESSION PER RSA 91-A:3.II.C

County Manager indicated this pertained to a personnel issue and needed to be discussed in Executive Session per RSA 91-A:3.II.c.

3:25 A motion was made by Commissioner Nelson to go in to Executive Session, per RSA 91-A:3.II.c, regarding a personnel issue. Commissioner Jarvis seconded the motion. No discussion. Roll call vote: All in favor.

3:25 Representative Converse left meeting.

4:02 A motion was made by Commissioner Nelson to come out of executive session and adjourn meeting. Motion seconded by Commissioner Jarvis. No discussion. Voice vote: All in favor.

Respectfully submitted,

Ethel Jarvis, Clerk

*Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.