

Sullivan County NH

Type of meeting: Sullivan County Board of Commissioners
Emergency Personnel Issue – Per RSA 91-A:3.II.c.
Executive Session

Date/Time: Wednesday, June 13, 2007; 8:30 AM

Place: Unity County Complex, Sullivan County Health Care Facility, Business Conference Room 1st Floor

Attendees: Commissioners Ethel Jarvis – *Chair*, Bennie Nelson – *Vice Chair* and Jeffrey Barrette – *Clerk*; Ed Gil de Rubio – *County Manager*; Peter Farrand – *Human Resource Director*; Scott Wojtkiewicz – *S.C.H.C. Administrator*, Heidi Smith – *Director of Nursing*; and Sharon Johnson-Callum (*minute taker*).

8:30 The Chair called the meeting to order.

8:36 A motion was made, by Commissioner Barrette, to go into Executive Session [Per RSA 91-A:3.II.c.] for a personnel issue. Commissioner Nelson seconded the motion. There was no discussion. A roll call vote was taken. The motion carried, unanimously.

Mr. Gil de Rubio noted he spoke to Ray Thivierge regarding issues the Board is facing:

- Staff moral and levels,
- Genesis Eldercare is pulling S.C.H.C. Administrator contract,
- the Director of Nursing – Heidi Smith, and
- employee allegations made to the Board during a Pancake Breakfast tour regarding a presumable statement made by Human Resource Director Peter Farrand.

Ms. Smith disbursed a copy of her resignation letter.

Mr. Gil de Rubio indicated a formal typed notice will be sent to Genesis today regarding Administration not being funded and the Board's decision to discontinue the contract - they will then have 30 days from that date. He received word Genesis physical occupation and speech therapy would be pulling out. He will come up with a strategy plan and present it during an Executive Session at Tuesday's meeting. It was noted, a critical situation was created by the Board during the pancake breakfast, when they spoke to employees and someone told an employee "*things would be changing soon*", in the week to following Union members were witnessed "*high fiving*" each other in the hallways - they felt they won something with that statement, as well as statements made during the Public Hearing and issues printed in the Eagle Times article. Ms. Smith indicated the County has employees in the building placing themselves before the residents. Mr. Gil de Rubio pointed out that type of attitude has been with long time Union employees for years and the Union would do anything to scrap the efforts of management and close the nursing home down. He noted he has no problems taking the

Board through this time period, but must have their complete backing, faith and trust with his management of the employees, or it will go into a quick tailspin. Commissioner Nelson noted it wasn't Genesis that eliminated the Unit Aid position, he does not want to change attitudes with employees, and the Delegation was going to eliminate Genesis anyway. Mr. Gil de Rubio noted the Board made a tactical error and now the burden is on their shoulders, and in turn on his, they have 150% of his dedication and requested 150% of their trust with management. Mr. Wojtkiewicz noted they have been trying to set a standard, now the staff runs to the Commissioners and Delegation, which undermines management. Ms. Smith indicated, Sunday, there was no backup for management when the Board toured the facility and made those comments. She heard through Union members that the Commissioners told them to hang on and things will change. She noted this translates to: *"management is out and employees have control"*. Commissioner Barrette defended that none of the Board members said anything like that to any employee. Ms. Smith noted the Board does not *"...get the people. What you did, makes it impossible for me to do my work. They are concerned only for themselves."* Mr. Gil de Rubio reminded the Board that the S.C.H.C. facility managers told the Board this a while ago.

Mr. Farrand commented to a previous remark the Board made about hearing employees say that the HR Director advised them not to talk to them. He noted, he had laid out HIPPA regulations, but never said not to talk to Commissioners. He noted he has been a very loyal individual. Commissioner Nelson defended they never said he was not loyal.

Mr. Gil de Rubio noted he will hold a S.C.H.C. facility staff meeting, then the Board can follow-up with "town hall" style meetings with employees. Commissioner Barrette would like to participate in future S.C.H.C. staff meetings. Mr. Gil de Rubio noted he'd bring a strategy plan before the Board, but does not recommend they attend the regular staff meetings.

Mr. Wojtkiewicz noted *"the County is losing most of their management team"*, *"they don't have a clue of what they've done"*, *"it's all political, they have people walking around with chins dragging, the Board should have allowed a transition period, the LNA's can not be allowed to run the place, NH State will be talking about the news article and will probably come in within 30 days to run Sullivan County, a license on wall for admin is needed, a Director Of Nursing is needed, there was lack of thought, there is a right way and wrong way"*. *"I have a job with Genesis and can work for them and doing the best here"* ... the scenario they threw out said *"What you do is wrong"* and the management teams now feels they are not doing their job. Commissioner Nelson asked what scenario he spoke of that was laid out. Mr. Wojtkiewicz noted it was just coming out and announcing within two days that Genesis is out – a tactical error. *"You don't understand what the state feels on this and long term care. We have staff on the floor that does not care about resident. Those are the few you were talking to on the floor on Sunday. We were trying to create a culture change, and Ed needs backing, and if you don't have culture change the doors will close. The state will be here on a monthly basis and don't think the three of you will fix the problems that will come up."*

Commissioner Nelson noted his thought was not to throw out Genesis within 30 days. Mr. Gil de Rubio reminded them that in December, Mr. Thivierge and Mr. O'Leary asked the Board what the County wanted to do, and received no directive at that time. He noted the Board left him \$40,000 in that budget line as of July 1, 2007, that the amount is insufficient and asked if he had authorization from them to access the \$200,000 if needed. Commissioner Nelson noted Mr. Thivierge assured them Genesis would help the County through a transition. Commissioner Barrette noted, "*As far as I am concerned yes, but, we don't have the final word on the money.*" Commissioner Nelson and Commissioner Barrette requested Mr. Gil de Rubio to develop a transition plan with a price tag they can get behind, and Commissioner Barrette confirmed he would then go to the Delegation. Mr. Gil de Rubio will contact Mr. Thivierge to see if Genesis will put together a transition plan. Commissioner Nelson noted it would be Genesis's best interest to make this work. Mr. Gil de Rubio indicated, "*That's out the window. We gave Genesis a black eye.*" Commissioner Barrette noted to Mr. Wojtkiewicz, "*Your company has done a ton of good here.*"; and that it was not their intention to make Genesis look bad. Mr. Wojtkiewicz indicated the Board's error was not talking about a transition plan sooner when Mr. Thivierge requested a date, and this matter was "*now out of Mr. Thivierge's hands.*" He indicated he'd be handing his 30-day resignation as he's unable to stay. Ms. Smith indicated, "*I have no credibility at this point. You might as well let Ellen Stone run the place.*" Commissioner Barrette asked if it was pertinent to have the Board at the staff meetings. Mr. Gil de Rubio pointed out they need a game plan, a strategy, and concurred the Board needs to meet with staff; in the mean time, he'll go around saying "*they are still here, they are in control, and they have the backing of the Commissioners*". Commissioner Nelson feels their negotiation with the transition was rebuffed and started to speak about Genesis invoices. Mr. Nelson was interrupted. At which, Commissioner Jarvis noted he should be allowed to respond. She noted they have been saying a long time they don't want Genesis. She noted Mr. Thivierge assured them Genesis would see them through any transition. Mr. Gil de Rubio noted they spoke regarding money, but that no one directed him, even three days ago, to draw up a transition plan. Commissioner Barrette noted the Delegation was going to pull funding for Genesis due to the invoices. He noted Mr. Gil de Rubio said on several occasions the bill was going to be for around \$300,000. He recommended they move forward, as assessing blame is poor – "*what is done is done and they can't pull back*". He noted he has the utmost respect for Mr. Wojtkiewicz and Genesis, needs their work to be public, and attempted to do so last night. He noted they would like to work something out to make the transition as smooth as possible and feels the Board is willing to do the hard work, the investigations, and to do this working forward. Mr. Wojtkiewicz and Ms. Smith both noted the Board had their backing, as long as they new the Board was backing management. Commissioner Barrette assured the group he could sell the idea to the Delegates on a transition plan with a price tag, and that the Board was there to back management.

Mr. Wojtkiewicz suggested they use a company with a management team until the County could hire replacement management staff. He noted they have a lot of issues, they don't have money in the budget and they are now going to be looking for administration staff to deal with the situation. "*The only way you have culture change is*

if everyone is behind you." He recommended the Commissioners and Delegation sit down to decide on the culture they want. He indicated he'd want quality care for patients and good environment for staff. They need to contact those people to stabilize the problem.

Mr. Gil de Rubio confirmed he'd speak with Mr. Thivierge on strategies, and needed a few days.

Ms. Smith asked which Commissioner spoke regarding the Baylor position? Commissioner Nelson confirmed he heard it was not working, and asked if it could? Ms. Smith indicated they had 2/3's of their staff per diem, which receives a higher rate of pay. They received word through staff that this type of program was wanted, and if offered there would be less call outs. She spoke of the long process of creating the program with the Union, and how the staff was involved throughout the entire process. However, the call outs increased, receiving 10-12 call outs a day with quality of care issues coming up. Ms. Smith visited all shifts on the weekend, sat down with everyone to discuss the cost of the program with call-outs and employees having to pick up through overtime and quality care issues. Ms. Smith visited and discussed the problems three times, with the third time discussing quality care issues such as medications left out unattended. She told them then they would eliminate the program first with the LNA's. Their hope was the rest would get the message, but they did not; therefore, they eliminated the entire program. She pointed out, the staff is now accusing management of eliminating the position without any warning, which is untrue. She's unsure if the program can be modified to work, with the mindset of the employees who just don't want to come to work. Mr. Gil de Rubio noted the positive benefits of the Baylor position, and concurred the program could not be supported with the culture they have. Mr. Wojtkiewicz spoke of the different shifts and the scheduling "nightmare" that occurred as they search to fill openings due to call outs. He noted most facilities have eliminated the Baylor program and discussed a culture difference on the weekend shifts vs. weekday shifts with clinical procedures. Mr. Gil de Rubio is concerned when both the D.O.N. and Administrator leave, the culture will regress to five years ago. Mr. Wojtkiewicz warned the Board they needed to stand behind management so that the County provides quality care, as, if the quality decreases, people will not want to come here.

Mr. Gil de Rubio noted they needed to keep up revenue.

Mr. Smith indicated they participated in two recent job fairs, with no one signing up from either. She discussed a call she made to a tentative person, who, when they heard she was from Sullivan County, said they did not want to work for Sullivan County due to the negative press.

Mr. Gil de Rubio noted overall the market is great, but they look to acuity and skilled care in the budget; he relies heavily on Patti Koscielniak (External Care Coordinator) to receive referrals from Dartmouth and other hospitals - they are shying off referring anyone to the County due to the negative publicity. He noted they can show a \$200,000 surplus each year, but it does not take much to push the County back into the hole.

Commissioner Nelson asked what the rationale was from Genesis of the physical therapy department pulling out of the facility? Mr. Gil de Rubio noted they do not want to be involved with an association with liability issues – negative public relations and lawsuits.

Mr. Wojtkiewicz recommends they speak directly to the current Medical Director, as they may lose him also, as he is contracted through Genesis. Mr. Gil de Rubio reminded the Board the Medical Director is Dr. Catino and that he has two separate agreements with the Sullivan County Health Care and Department of Corrections, through Genesis. Mr. Gil de Rubio spoke to Mr. Thivierge regarding the Director, and they noted it was up to Dr. Catino. Commissioner Barrette noted he would give Dr. Catino a call.

Commissioner Barrette noted they needed to clear the air on the article in the paper. Mr. Gil de Rubio noted they could hold a joint press conference with Mr. Thivierge. Commissioner Nelson recommended they air it on CCTV and NCTV. Mr. Wojtkiewicz recommend the Board have a contingency plan if their other plan fails. He noted he is very concerned about leaving the facility in this shape.

Commissioner Barrette and Jarvis noted they should meet weekly so that the Board can keep a handle on what is coming up. The group discussed the best time to meet. They decided on future Mondays at 4 p.m., here in Unity in the Business Conference Room of the Sullivan County Health Care facility.

9:24 A motion was made, by Commissioner Barrette, to go out of Executive Session and to adjourn the meeting. Commissioner Nelson seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

No formal motion was required.

Respectfully submitted,



*Jeffrey Barrette, Clerk
Board of Commissioners*

JB/s.j-c.