

Allegheny County Council

*County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6495
Fax (412) 350-6499*



Committee Meeting Minutes

Thursday, April 6, 2006

4:30 PM

Small Conference Room

Committee on Health & Human Services

Mike Finnerty, Chair; Joan Cleary, Susan Caldwell, Brenda Frazier, William Robinson, and Jan Rea - Members

I. Call to Order

Summary: *The meeting was called to order at 4:30 PM*

Invited Guests:

Jim Flynn, County Manager or Designee

Marc Cherna, Director, Human Services

Jack Cambest, Council's Legal Advisor or Designee

Mike Wojcik, County Solicitor or Designee

Summary: *Invited Guests Present: Mr. Cherna, Mr. Wojcik, Derek Uber for Mr. Flynn, and John Rushford for Mr. Cambest*

Recognized Attendees: Kevin Casey, Deputy Secretary for Mental Retardation, Commonwealth of Pennsylvania; Don Clark, Allegheny County Department of Economic Development; and Paul Molter, Allegheny County Law Department.

Council Staff Present: John Mascio and Jared Barker

II. Roll Call

Summary: *Council President Rich Fitzgerald - present Ex-Officio*

Roll Call: Present: Joan Cleary, Susan Caldwell, Brenda Frazier, William Robinson, Jan Rea, and Michael Finnerty

III. Agenda Items

Ordinance

2380-06

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Administrative Code by adding a new Article 919 that governs Office of Mental Retardation/Developmental Disabilities (MR/DD) contracts by providing that vendors provide information about the quality of service, work force, and business practices of its agency and comply with County requests for information as conditions of its contract.

Sponsors: Joan Cleary, John DeFazio, Chuck Martoni, Jan Rea, William Russell Robinson and Michael Finnerty

Summary: *The Chair gave a brief summary of the bill. Mr. Casey addressed the committee regarding the importance of state wideness. He said that since the program is funded with Medicaid Dollars it has to operate by their rules. He said that the Centers for Medicare & Medicaid Services (CMS) wrote a letter to the Commonwealth of Pennsylvania expressing concern over how Pennsylvania ran its Mental Retardation Program. He said that one concern was whether they were giving counties too much authority over the program. He said that they also indicated that they need one program with consistent standards across the state. He said that CMS expects them to operate the program under their rules. He said they were told by CMS that they can not allow counties to have their own contracts, and that they must use the same contract as all counties. He said that the concern with the bill is that it violates the principal of state*

wideness that CMS has set forth.

He also said that he could not allow the county to enforce the ordinance should it be passed. He said that the county can not enforce an ordinance that makes an otherwise qualified provider unqualified. He said that the contract that they developed between the county and the provider must have state wide qualification systems and requirements. He said that the state will be monitoring the provider qualifications in July of 2006 and that it will be mandatory in July of 2007.

Mr. Finnerty asked him if the state was the enforcing body. Mr. Casey said yes, by federal and state law they are the single state agency that administers Medicaid in Pennsylvania.

Ms. Cleary said that she does not see it that way. She said that she believes that as long as they do what the state says that should make CMS happy. She said that she is looking at it from the standpoint of the consumer and most of what she hears from Director Cherna and Mr. Casey is that they are all about protecting the providers. She said that the turnover rate is a major issue for consumers because they want consistency and she said that she does not see any way of measuring turnover because no one reports it. She asked how one can run services like this without knowledge of turnover.

Mr. Casey said that he agreed with her that some type of measurement of turnover should be in place. He said that it would be taken into consideration as they develop a qualification process, but it has to be the same for everyone. He said that turnover is one of the most serious problems in this industry. He said that the salaries are pathetic. He said that if council passes an ordinance that makes the provider applications inconsistent, CMS will have a problem with that and he does not want to take that risk. He said that he wants families to have a reliable method of choosing a provider but it has to be the same in every county.

Ms. Cleary asked him if a consumer says they want a provider even if they don't comply with the ordinance, would the state force them to contract with the provider anyway. Mr. Casey said yes. He said that if this ordinance is passed the county would wind up with an unenforceable ordinance. He said that he can create a statewide system that he can mandate and have the county administer. He said that the statewide qualification process will have a turnover standard in place by July of 2007. He said that he would like to implement a report card process that is statewide.

Mr. Fitzgerald asked him if the administration could make the report card information part of the evaluation process in selecting a provider. Mr. Casey said no, they could not.

Mr. Fitzgerald asked him when he thought the report card system will actually happen at the state level. Mr. Casey said that an actual report card is very complicated and some states take years to do this. He said that the basic information will be in place by July of 2007.

Ms. Cleary said that she heard that before and is skeptical of the date. Mr. Casey said that she did not hear that before from him, and that he is committed to the July 7, 2007 date.

Mr. Finnerty said that the next Human Services committee meeting will take place on April 19, 2006 at 4:00 PM.

Mr. Casey said that he would not be available on that date but would be happy to return at another time.

Action: **Held in Committee**

IV. Adjournment

Summary: *The meeting adjourned at 4:05 PM*