

**103248**

**DATE:** September 8, 2023

**TO:** Board of Acquisition and Contract

**FROM:** Sherlita Amler, M.D.  
Commissioner of Health

**RE:** Authorization to enter into an agreement with the New York State Department of Health to accept funding for the County of Westchester, acting by and through its Department of Health, to provide Tuberculosis health services specifically for the asylum seeker population, for the period commencing retroactive on April 1, 2023 and continuing through March 31, 2024, for an amount not to exceed \$500,000 payable in accordance with an approved budget, and to indemnify the New York State Department of Health as written below

The County of Westchester ("County"), acting by and through its Department of Health ("WCDH"), seeks authorization to enter into an agreement with the New York State Department of Health (the "NYSDOH"), to accept funding for the WCDH to provide Tuberculosis ("TB") health services, specifically for the asylum seeker population, for the period commencing retroactive to April 1, 2023 and continuing through March 31, 2024, for an amount not to exceed \$500,000, payable in accordance with an approved budget (the "Agreement").

The Agreement will require the County to indemnify the New York State Department of Health as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract".

The Agreement will serve a public purpose by providing the TB health services specifically for the asylum seeker population in order to minimize the spread of TB within this population and for all County residents, in accordance with New York State Public Health Law.

The TB health services that will be provided will include, but not be limited to, TB treatment including purchases of medications, additional staffing as needed, clinic visits, transportation, laboratory testing services, equipment and any non TB related expenses, such as vaccines and incentives.

The goal and objective of this Agreement are to reduce the incidence of TB related illness among the asylum seeker population and among all other populations throughout the County by ensuring comprehensive and follow up medical care for all confirmed TB patients. Radiological testing and diagnosis is an early detection method and part of a complete TB curative plan that will help contain the spread, prevention and management of this disease as well as decrease treatment costs.

While WCDH usually provides the direct medical care for the majority of active TB cases, as well as their contacts in Westchester County, it is the County's intention to subcontract a majority of the provision of TB health services by entering into a separate agreement with Sun River Health, Inc. Sun River Health has the capacity to provide these services and is already on-site attending to the asylum seekers.

WCDH reports and investigates all suspected or confirmed TB cases and provides all required information, including data, evaluation and outcome measures using the NYSDOH Health Commerce System (HCS) electronic database.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Your approval of the attached resolution is respectfully requested.

/dc

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/14/2023 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

**RESOLVED**, that the County of Westchester ("County"), acting by and through its Department of Health ("WCDH"), is authorized to enter into an agreement with the New York State Department of Health (the "NYSDOH") to accept funding for the WCDH to provide Tuberculosis ("TB") health services, specifically for the asylum seeker population, for the period commencing retroactive on April 1, 2023 and continuing through March 31, 2024, for an amount not to exceed \$500,000 payable in accordance with an approved budget (the "Agreement"); and, be it further

**RESOLVED**, that the Agreement will require the County to indemnify the New York State Department of Health as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract"; and, be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Original Agreement	\$
First Amendment	\$
Second Amendment	\$
<b>This Amendment</b>	<b>\$</b>
TOTAL	\$ _____

Agreement #T39662

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
263	27	Y078	9854	G078	\$500,000

Budget Funding Year(s)  
(must match resolution) 2023 - 2024 Start Date 04/01/2023 End Date 03/31/2024

Funding Source	Tax Dollars	
	State Aid	<u>NYSDOH – 100%</u>
<b>\$500,000</b>	Federal Aid	<u></u>
(must match resolution)	Other	<u></u>

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