

109462

DATE: June 10, 2024

TO: Board of Acquisition and Contract

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

Aleksandar Milovanovic, M.D.
Pathologist/Medical Examiner

RE: Resolution Authorizing the County of Westchester to enter into an agreement with the Westchester County Health Care Corporation pursuant to which the Westchester County Health Care Corporation will provide post exposure evaluation and follow-up medical services to employees of both the Westchester County Department of Health and the Westchester County Department of Laboratories and Research for potential exposure to blood-borne pathogens, for a term commencing on June 1, 2024 and continuing through May 31, 2029, payable by the County on a per patient basis at no more than the then current worker's compensation rates, in the total not to exceed amount of Twenty-two Thousand Five Hundred (\$22,500.00) Dollars.

As your Honorable Board is aware, Section 3307(4) of the New York Public Authorities Law requires the approval of both the County Board of Legislators and the County Board of Acquisition and Contract for agreements between the County of Westchester (the "County") and the Westchester County Health Care Corporation (the "Corporation"). Accordingly, on June 3, 2024, the Westchester County Board of Legislators adopted Act No. 2024-113 which authorized the County, acting by and through both its Department of Health ("WCDH") and its Department of Laboratories and Research ("WCDLR"), to enter into an agreement with the Corporation whereby the Corporation would provide post exposure evaluation and follow-up medical services to employees of both the WCDH and WCDLR for potential exposure to blood-borne pathogens. Services will be provided from June 1, 2024 through May 31, 2029 (the "Agreement"). The authority of your Honorable Board is now required in order to authorize the County to execute the Agreement.

In consideration for services to be rendered, the County shall pay the Corporation on a per patient basis at no more than the then current worker's compensation rates, in the total not to exceed amount of Twenty-two Thousand Five Hundred (\$22,500.00) Dollars for the five year term of the Agreement. In addition, each party will agree to defend, indemnify and hold harmless the other party, their respective officers, employees and agents from and against any and all liability damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the other party or third parties under the direction or control of the other party.

The Agreement will require the Corporation to use any funds paid by the County for the Corporation's costs for providing post exposure evaluation and follow-up medical services to employees of both the WCDH and the WCDLR for potential exposure to blood-borne pathogens (including but not limited to staff salaries) and will also require the Corporation, upon the County's written request, to provide a semi-annual accounting to verify that the funds were spent in this manner.

The public purpose, goals and objectives of this Agreement are to protect the health and welfare of both WCDH and WCDLR employees that have potential exposure to blood-borne pathogens by providing appropriate post exposure evaluation and follow-up medical services to prevent and contain the spread of the blood-borne pathogens to both clinic patients and other WCDH staff, should an exposure occur.

The tracking and monitoring of this Agreement includes employee specific referrals by WCDH and WCDLR and evaluation by the Corporation. A written report will be prepared and submitted to both WCDH and WCDLR within fifteen (15) days after completion of the medical evaluation.

The Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)viii thereof, which exempts contracts for medical or health related services.

A Resolution authorizing the County to enter into this Agreement is attached hereto for your consideration.

I recommend your favorable consideration of the annexed proposed Resolution.

SA/AM/DC
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/03/2024 - RAYMOND SULKY, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH AND THE PATHOLOGIST/
MEDICAL EXAMINER, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through both its Department of Health ("WCDH") and its Department of Laboratories and Research ("WCDLR"), is authorized to enter into an agreement with the Westchester County Health Care Corporation (the "Corporation"), pursuant to which the Corporation shall provide post exposure evaluation and follow-up medical services to employees of both WCDH and WCDLR for potential exposure to blood-borne pathogens, for a term commencing on June 1, 2024 and continuing through May 31, 2029 (the "Agreement"); and be it further

RESOLVED, that in consideration for services to be rendered, the County shall pay the Corporation on a per patient basis at no more than the then current worker's compensation rates, not to exceed the total aggregate sum of Twenty-two Thousand Five Hundred (\$22,500.00) Dollars for the five-year term of the Agreement; and be it further

RESOLVED, that pursuant to the terms of the Agreement, each party will agree to defend, indemnify and hold harmless the other party, their respective officers, employees and agents from and against any and all liability damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the other party or third parties under the direction or control of the other party; and, be it further

RESOLVED, that the Agreement will contain a clause requiring the Corporation to use the monies paid by the County under the Agreement to pay the Corporation's costs for providing these health care services (including but not limited to staff salaries) and require a semi-annual accounting by the Corporation to the County Commissioner of Health to verify that the funds were spent in this manner; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of the New York State Budget ("State Budget") proposed and adopted during the term of the agreement. The Agreement shall contain a provision that the County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of the State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s) to conduct an analysis of the impacts of any State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Corporation, then the Corporation shall have the right to terminate the Agreement upon reasonable prior written notice; 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.

Department of Health
 County of Westchester
 10 County Center Road, 2nd Floor
 White Plains, New York 10607

Original Agreement \$
 First Amendment \$
 This Amendment \$ _____
 TOTAL \$

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010	4380		\$1,460 (2024)
	101	31	0010	4380		\$1,167 (2024)
	101	27	0010	4380		\$2,500 (2025)
	101	31	0010	4380		\$2,000 (2025)
	101	27	0010	4380		\$2,500 (2026)
	101	31	0010	4380		\$2,000 (2026)
	101	27	0010	4380		\$2,500 (2027)
	101	31	0010	4380		\$2,000 (2027)
	101	27	0010	4380		\$2,500 (2028)
	101	31	0010	4380		\$2,000 (2028)
	101	27	0010	4380		\$1,040 (2029)
	101	31	0010	4380		\$833 (2029)

Budget Funding Year(s)
 (must match resolution) 2024 - 2029 Start Date 06/01/24 End Date 05/31/29

Funding Source	Tax Dollars	\$14,400 (64%)
	State Aid	\$8,100 (36%)
\$22,500	Federal Aid	
(must match resolution)	Other	