

HEALTH AND SERVICES COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Health and Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, October 7, 2010 at 2:00 p.m.

MEMBERS PRESENT:

Legislator Kate Browning, Chairperson
Legislator Vioria Fisher, Vice-Chair
Legislator John Kennedy
Legislator Jack Eddington
Legislator Tom Muratore

ALSO IN ATTENDANCE:

Presiding Officer Bill Lindsay, Legislative District No. 8
George Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Greg Blass, Commissioner, Suffolk County Department of Social Services
Tracey Barnes, Suffolk County Department of Social Services
Linda O'Donohoe, Suffolk County Department of Social Services
Ron Campanelli, Suffolk County Department of Social Services
Gerry Ferretti, Suffolk County Department of Social Services
Susan Eckert, Legislative Aide to Legislator Nowick
Justin Littell, Legislative Aide to Legislator D'Amaro
Dennis Brown, County Attorney's Office
Ben Zwirn, County Executive's Office
Steve Tricarico, County Executive's Office
Craig Freas, Budget Review Office
Dot Kerrigan, AME 4th VP
Maryann Birmingham, Nutrition Education, Cornell Cooperative Extension
Nancy Olsen, Family Health & Wellness, Cornell Cooperative Extension
Vito Minei, Executive Director, Cornell Cooperative Extension
Tim Jahn, Parent Education, Cornell Cooperative Extension
Glenn Campbell, S.I.L.O.
Roy Probeyahn, S.C.D.A.B.
Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(The meeting was called to order at 2:10 P.M.)

CHAIRPERSON BROWNING:

Good afternoon. If everyone could please stand, we'll start with the Pledge of Allegiance led by Legislator Muratore.

Salutation

And I think what we could do today -- if anyone noticed, across the street they are having an event in remembrance of domestic violence. So if we could have a moment of silence in memory of the men and children who have lost their lives to domestic violence.

Moment of Silence Observed

Thank you. Okay, we have some cards. Okay, we only have two cards and then we'll have our presentation. The first card is Ray Probeyahn. And Ray, I know you've been here before, but everyone has three minutes.

MR. PROBEYAHN:

Yes, thank you. Good afternoon, Madam Chair and members of the committee. My name is Roy Probeyahn and I'm a 50-year resident of the County of Suffolk. I serve on the Suffolk County Disability Advisory Board and am Chair of the MRDD Committee of the Community Board and have been on each of those for many years. My wife Arlene and I have three adult sons with Autism who live at home with us in our natural home environment, as they have for their entire lives.

I'm here today as an interested citizen on issues with disabilities and an Advisory Board member to speak in opposition to the budget message which contains within it a proposed transfer of the Office of Handicapped Services from the County Executive's Office into the Department of Health & Children With Special Needs Division. Our Chair will be addressing this committee and the Legislature at a subsequent time.

All parties agree that there are no dollar and cents cost savings from this ill-advised move. Money will not be saved unless this already understaffed office is cut even further, and that's not in the proposal. Similarly, there's no dispute that in the near term no additional revenues could be realized from this transfer. Even in the longer term, New York State Medicaid will not pay the salary of OHS staff. The State only occasionally pays County workers performing State Health Department functions, OHS does not perform health related functions. People with disabilities are not sick or ill, they're disabled and they have the same health issues as everybody else in society.

Merging OHS into DHS Children Services will drastically impede the effectiveness of the office by blocking direct access to the County Executive's Office. This proposed move will greatly diminish the influence and prestige of OHS accordingly. It will seriously impair the office's effectiveness in dealing with County government agencies as well as business and industry, both of which it deals with on a regular basis regarding various compliance issues.

In addition, by making OHS a very small unit within a very large health services system, it will significantly change the impact and clout presently enjoyed by the office when it is under the auspice of the County Executive; what it does and says and advocates for has the imperator now of the County Executive. As would have the OHS going to the Health Services Department would affect its functioning ability, and placing it in a unit for children with special needs makes no sense at all. OHS is responsible for people with disability of all ages, seniors, adults as well as children.

CHAIRPERSON BROWNING:

Hang on, Roy. Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Hi, Mr. Probeyahn.

MR. PROBEYAHN:

Hello.

D.P.O. VILORIA-FISHER:

Thanks for coming down and speaking with us about it, because I was curious when I saw that in the budget as well as to the reason for it and I just couldn't find the logic in it. But while you were speaking, I was thinking, do you think the Early Intervention Services for children with issues, you know, before they're school age; that's in the Health Department, isn't it?

MR. PROBEYAHN:

I'm not knowledgeable about the Health Department, but I believe that's what the division for -- the CSN, the Children with Special Needs Division takes care of, and I know the Office of Mental Health also has a Children's Services Division. So between the two departments, I believe that that is where those issues are dealt with. However, I will say that if folks approach the Office for Handicapped Services who have children and are having difficulties, they are counseled and served, which may include a referral to OHS or Mental Health Children Services.

D.P.O. VILORIA-FISHER:

My inclination was to keep it where it is. But, you know, I'm just trying to find the logic in moving it, and I thought maybe that was the link but I wasn't certain.

MR. PROBEYAHN:

We couldn't figure it out either, so that's why I'm here.

D.P.O. VILORIA-FISHER:

All right, good.

CHAIRPERSON BROWNING:

Vivian, I believe, Craig, you have -- do you have some information?

MR. FREAS:

Just to be clear, Early Intervention Services is within the Bureau of Special -- Children with Special Health Care Needs Division, that is part of what they do, you were correct.

D.P.O. VILORIA-FISHER:

So it's in the Health Department.

MR. FREAS:

Correct.

D.P.O. VILORIA-FISHER:

Okay. All right, because that was the only place I saw that there was a link, any kind of linkage here. But you're seeing the role as more of an advocacy role rather than delivery of service.

MR. PROBEYAHN:

Advocacy and compliance. I mean, there is the American With Disabilities Act, there's the Rehab Act, there's Section 504 and so forth and on and on. I'm not an expert in Federal and State rules and regulations, but the Office of Handicapped Services is the compliance officer for the County of Suffolk.

D.P.O. VILORIA-FISHER:

Okay. But what I'm saying is that that's a different role than the delivery of service role. For example, like the women's -- Office of Women's Services. It isn't delivering services to women, you know, that's in the Health Department, but the Office of Women's Services serves as advocacy and compliance and outreach. So you would see your role as being similar which seems to be appropriate to the County Executive's Office.

MR. PROBEYAHN:

I couldn't agree more. Again, our focus is advocacy, information and referral to assist citizens with disability who come forward and are having difficulties with either government -- other government agencies, they can't get the results that they desire, and/or businesses who are not taking appropriate steps in recognition of people's disabilities.

D.P.O. VILORIA-FISHER:

Well, you know, I kind of -- when I saw that I thought well maybe it's just getting some people out of the County Executive's Office because he's bringing some other folks into the County Executive's Office and maybe he doesn't want to seem like it's bloated, but that's just my suspiciousness.

MR. PROBEYAHN:

I'll demure if the Legislature will permit me.

D.P.O. VILORIA-FISHER:

Thank you, sir.

MR. PROBEYAHN:

And if I just may add one thing. There are 315,000 people in this County with disabilities, which is the largest single minority in this County that needs services and advise and counsel and advocacy that this office serves.

D.P.O. VILORIA-FISHER:

Thank you.

CHAIRPERSON BROWNING:

Thank you, Roy. Next we have Glenn Campbell. Okay, you got the mike for him? Go ahead.

MR. CAMPBELL:

Good afternoon, everyone. I'm going to make just a few more comments just to add to what Brian just discussed. My name is Glenn Campbell, I'm individual with a disability of over 25 years. I am the Co-Executive Director to the Suffolk Independent Living Organization as well as a member of the Disability Advisory Board to Handicapped Services. I'm also here to comment on the proposed move of handicapped service to the Department of Health.

As Roy said, there's over 315,000 individuals living with disabilities here in Suffolk County. The Office of Handicapped Services is a unique and vital part of this County's services that it provides these individuals. I can attest people refer and go to this office in need and they look for immediate action, look for immediate action and assistance. They go to this office and they're able to provide those services and information to the individual to guide them to the particular department or agencies where they can get that assistance. By moving it to the Department of Health, and I cannot say this any stronger, they will lose that autonomy. They will be buried -- it is quite possible, we all know the bureaucracy and red tape that occurs when you have multiple levels of agencies or government, and this way they would lose this autonomy to be able to service all these individuals, all these individuals that they provide services for.

I personally know, you know, the negative effects, as I said, of the layers of bureaucracy that individuals have who seek these immediate services. You know, as someone with a disability, and I'm here to comment not just for myself but for all the thousands of individuals, that they deserve and respect a reliable, a reliable and informed, effective County agency, such as Office of Handicapped Services, to be able to provide them with those services. It's important. I know. I'm also an attorney and we refer people to that agency all the time. It is almost a one stop, one stop place for people to go to get that information they need, and it could be as simple as a telephone number, an address, a name of a person, but it could be much greater than that.

We see violations of laws, as Roy stated earlier, the ADA, the IDEA, Rehabilitative Act, human rights, all these violations do occur every single day. This is an opportunity, by moving this agency into the Department of Health, it would create a barrier, a barrier that someone with a disability, someone who provided -- the civil rights attorney for so many years, would breakdown that barrier. That barrier would be -- prevent people from getting those immediate services.

So in closing I'd just ask for your -- you to advocate for all these individuals, and advocate for all these individuals to urge the entire Legislature to block this proposal and to remove it from the budget. Thank you.

CHAIRPERSON BROWNING:

Thank you, Glenn. And also to remind you that we do have budget meetings, I can't remember what the dates are, but we can get them to you if you would like to come back again and speak on the issue.

Let me ask you, because I know that I've had a few calls from people. Their concern is moving Handicapped Services to the Health Department and Handicapped Services, I believe, also advocates for employees in the County. And the issue being that if now you're under the Health Department, who do you go to and do you have to get now permission from the Commissioner? And what if the employee is an employee within the Health Department?

MR. CAMPBELL:

Well, there would be conflict of interest there. You know, you need that autonomy where somebody could seek advice, free advice or freely given advice, without any influences from other agencies or department heads. An agency like Office of Handicapped Services needs to be able to direct a person to the proper agency, maybe such as the Human Rights Commission. They need to be able to tell the employee this can be handled and you'll get fair and objective treatment and assistance.

CHAIRPERSON BROWNING:

I thank you. And like I said, we will get the dates for you when the budget meetings are. Okay?

MR. CAMPBELL:

All right, thank you.

CHAIRPERSON BROWNING:

Thank you. And with that, we will begin our presentation. We have Nancy Olsen from Cornell Cooperative Extension, Director of Family Health and Wellness. She's going to highlight two of the programs, one on cyber bullying and also on energy drinks. And I can see one of them, and I actually yelled at my son last week because he had one of those in his hand one morning and I said I never want to see that again. The Monster drink. If you would like to begin and you can introduce everyone who's with you. Oh, Vito, sorry. I know Vito. If you would like to start, Vito Minei.

D.P.O. VILORIA-FISHER:

Actually, Madam Chair, may I interrupt for one second to answer your question? The budget meeting for -- on health issues is going to be on -- I lost it now, it's October 18th, Monday, at 1:30. Okay, that's October 18th.

CHAIRPERSON BROWNING:

October 18th, 1:30, is the Operating Budget meetings here at the Legislature. Okay, Vito, your turn.

MR. MINEI:

Good afternoon, Legislator Browning and members of the committee. My name is Vito Minei. I'm Executive Director of Cornell Cooperative Extension of Suffolk County. With our affiliation with Cornell University we employ scientific research based information to obtain our goals, which are to strengthen families and communities, preserve the environment and foster economic development. We carry out our functions under major programs. Agriculture, which conducts research and education to support all elements of agriculture in Suffolk County, and as you know, Suffolk County remains the number one county in New York State in terms of the economic value of agricultural products. Likewise, our Marine Program conducts research and education for the invaluable marine resource protection in Suffolk County. We conduct research and education in fin fishery, shell fisheries, protection of the environment, preservation of natural resources and pollution control. Our 4-H Program enriches the lives of literally tens of thousands of young people in Suffolk County through the variety of programs intended to teach kids how to learn by doing, the motto of 4-H. And our program today that we're highlighting, Family Health & Wellness, which addresses some of the most critical social and public health issues in America today.

Now, when we asked for this time before the committee we had the goal of just enlightening you about some of the programs, but it's particularly timely because as you know, in the current recommended budget it is proposed to reduce the budget of Family Health and Wellness by \$188,500, and together with the also proposed \$82,000 reduction for 4-H it equates to a \$270,000 budget shortfall currently proposed for Cornell Cooperative Extension of Suffolk County. I'll be addressing these issues starting with the hearings tomorrow. Today we're here for a presentation and some good news on the great programs of the Family Health & Wellness Program of Cornell Cooperative Extension.

And with that, it's my pleasure to turn this over to our Director of Family Health and Wellness, Nancy Olsen-Hartvick. Nancy?

MS. OLSEN-HARTVICK:

Thank you. I would like first to introduce you to two staff members. On my left is Maryann Birmingham, who is a nutrition educator, and Tim Jahn, who is a parent educator.

I have worked in the program area of Family Health and Wellness here in Suffolk County for Cornell Cooperative Extension for 25 years on the 21st of October. I am blessed with a staff of incredibly dedicated and knowledgeable extension educators, and today we are really excited to give you a sampling of the kind of work that we do out there in the community to help people raise healthy children.

Our mission is to help families and professionals who serve them understand and apply research based information to their lives in order to maintain and enhance their physical, social, cognitive and mental health. We focus on three main program priorities; improving family and community health through food and nutrition education for adults, parents and children directly; providing obesity -- preventing, excuse me, preventing obesity; we don't want to provide it, no. Preventing obesity and managing chronic diseases like diabetes through education programs aimed at changing behavior to improve health outcomes; and always strengthening families in any way we can by

helping parents learn about the importance of things like family meals, limit setting, family communication and other parenting practices that support optimal child development, and the research is there to back us up every step of the way.

We reach thousands of individuals throughout Suffolk County each year directly and thousands more through multipliers who use the training and resources we provide and teach others in their home communities. We spend our evenings in schools, in libraries, in church basements teaching adults about healthy lifestyles and parents about positive parenting. On weekends our staff can be found at farmer's markets teaching people how to prepare fresh produce, or events like last weekend's Town of Brookhaven's Women's Services Conference, teaching women about healthy eating and how to prepare healthy food for their families.

Today we are showing you two brief snapshots of two educational programs that we have developed in the past three years. It is my pleasure to introduce you to Maryanne Birmingham, a nutrition educator who works with low income families throughout this County and has developed a program to address the hot topic of energy drinks. Then Tim Jahn, a parent educator, will share with you some of his workshop on bullying and cyber bullying. Maryann.

MS. BIRMINGHAM:

I'm electronically challenged, I will do my best. How about that? Okay. Good afternoon, everyone. My name is Maryann Birmingham, like Nancy said. I was at a symposium last summer, June, 2009, and it was on these energy drinks. I was blown away by the information so I put together this little road show that I take to schools mostly. This year I'd like to focus more on parent groups because yes, the kids know about them, they know all about them as you well know, and I feel it's something that I've to get this information out to the parents to help them make the decision whether these things should come into the house or not. So I'm going to go through this Power Point presentation and give you a little update on them. Okay?

Everybody is familiar with them, I'm sure you've seen them. You had them come into your house, you were very disappointed with that. This product has been around actually since the 1920's they started developing them. One of the first ones was our dear Coca Cola, real Coca Cola, that had the cocaine in it from the coca plant. When they found out that people were getting addicted to it, that's when they changed the formula, and that's the formula that we now drink, when it has real sugar in it, not corn syrup, and the one that is highly guarded.

So fast forward to 1987, maybe a little bit before that. 1987 in Europe the Red Bull was formulated. Around that time we had a product that came out in the market called Jolt Cola that was marketed not too cleverly, it didn't go as well as some of the products that we have out here now. After 1987 in Europe, ten years, the Red Bull came to this country in 1997. From 1997 until now, the rest is history. It started off as a two to three million dollar a year business -- marketing and the product, and now it's over \$10 billion.

The marketing is so, so clever, as you know, and the Red Bull truck, I'm sure all of you have seen the Red Bull mini or the Red Bull truck at all the events, or maybe at an after school football game, an extreme sport event. It could be at the skateboarding, motor cross, kite boarding, surfing contest. They drive up and down the beach, they're throwing these things out, they're getting the kids hooked on these things because they have such a high amount of caffeine in them. The ingredients in these are solely caffeine and sugar, a very, very high amount. They are not regulated by the USDA or the FDA because they're sold as nutrient supplements. And as you know, those nutrient supplements do not have to go under the regulations of the USDA or the FDA.

When a food that has caffeine in it is sold as a food with the stamp of the USDA it has an allowable amount of caffeine, about 70 milligrams. An average cup of coffee, here's a small cup of coffee, has about 60 to 90, depending if it's plain old Maxwell House or if it's a Starbucks coffee. The energy

drinks, I didn't bring it with me, I just have the big Monster, but an eight ounce beverage has as much caffeine as seven cups of coffee or a 12 pack of Coca Cola. One beverage, and that's a lot of caffeine. And caffeine, as we know, is a drug, a legal drug, and you become addicted to it, and our children are becoming addicted to this.

It's also very costly. I made this little chart here to show the kids when I bring this to a middle school or a high school, that if you have a regular little part-time job that you are making minimum wage, to purchase your 8.3 ounce Red Bull at two dollars apiece, times five days a week, ten dollar a week, 40 dollars a month, 480 a year. For a kid in school that's a lot of money. They really have to work hard for that. They know how expensive they are.

Okay. The audience that's drinking these, of course, the younger kids and more and more of them, and the ingredients that are inside them besides the caffeine and the sugar is what -- on most of them -- is what's called an energy blend. And I tell the kids what is this energy blend. Well, a lot of times it's vitamins, minerals, it could be -- I'm just going to skip through this one here -- this is just a nutrition label. Sugar, caffeine, the herbs, another form of a caffeine would be the yerba mate from South America. Tourine. Tourine is an amino acid that's only needed by cats; we don't need it as a humane being. Guarana, vitamins, energy blend. The energy blend may have ginkgo biloba, echinacea, St. John's wort, bitter orange root, on and on and on.

What I tell the kids is that you don't know where these herbal blends and these energy blend products are grown. Because they don't have a regulation by the USDA or the FDA they can be grown in any country, anybody's backyard plot, watered with any kind of tainted water, not unsafe water, fertilized with any kind of garbage, and now you're spending your hard earned money and are you going to put this into your body. The kids are really shocked once I get into this and they realize that boy, these cost a lot of money and now the ingredients in them are not too safe. But, you know, you still have the kids that will say, "Oh yeah, I'm still going to drink them anyway", of course, because they think they're invincible.

The side effects. After I tell the kids what's in them and how impure they are I go on to the side effects. Here's my little thing right here. The side effects -- the side effects are the same thing that we suffer from if we drink too much coffee. The first thing is jitters, you are going to have insomnia, you won't be able to get to sleep, anxiety, heart palpitations, sweating and in rare cases or, you know, extreme cases you would have a stroke, a seizure, a heart attack, and most drastically death. It has been documented to cause death; if someone has an underlying problem or heart disease that they don't know about, they could die. And it's been in the paper where a kid has done this, you know, on the track field or on the ball field, and he has died after ingesting just two of the energy -- the eight ounce energy drinks.

In addition to the side effects on your nerves, your central nervous system, there is side effects to the gastrointestinal system that I tell the kids about. With the high amount of sugar and the high amount of caffeine, you have what is called like a delayed gastric emptying. You are going to have this bloating and you are going to have gas, which isn't very nice if you are kids and hanging out and stuff, and then a possible wicked case of diarrhea. So I tell them if you are going to drink these things and think you are going to go and hang out and, you know, be with the kids and party or go run on the track, I mean, you'll be surprised, you'll be running to the bathroom instead. So then, you know, of course they all make the noises and stuff like that.

Another important thing about these is that the energy drinks contribute to the high rate of childhood obesity in this country which you know is a really serious, serious thing that we're dealing with right now. I go out four days a week to try to, you know, combat that and teach people how to eat and drink and prepare foods healthfully so that they can prevent these two generations of children that are coming up that may not outlive their parents because of the repercussions of the obesity. It's leading, again, to the high rate of the type two diabetes. Younger and younger and

younger children are coming down with this. At ages seven, eight, nine and ten they've been diagnosed with heart disease, fatty liver disease, high cholesterol, high blood pressure. A ten year old with high blood pressure. And then of course there's been documented a higher rate of dental problems. The amount of sugar in these things is going to lead to the higher rate of dental cavities. So, so far they're all making a face now and they don't want to maybe drink these this weekend.

Now, do any of you know four year olds or have a four year old grandchild, niece, nephew? This company has made this product to be given to four to ten year olds. They feel that a four year old to ten year old needs to have a little spark in his day, actually four times a day. In each one of these envelopes, depending on what flavor, has 60 to 110 milligrams of caffeine. They suggest that you put it in their morning juice or perhaps their water or put it in the lunchbox, you know, so they can add it to their water at lunch time. Give it to them again when they come home from school because they need that little bit of energy to get their homework done. Excuse me? Say that again, I'm sorry, I didn't hear you.

D.P.O. VILORIA-FISHER:

I was just making a snide -- then give them ritalin because they're overactive.

MS. BIRMINGHAM:

Exactly. Yeah, well, I didn't get to that yet, what the contraindications of this product -- but, yes, there is this company and they sell it like a pyramid type of thing, like Amway is distributed or Avon or something. They get parents to become distributors and on and on and on. Again, I ask the kids, if I'm in a high school situation, you know, how many of you have a four year old brother or sister or do you baby sit for a four year old. They are like no, they don't need any energy, you know, they don't need this.

My thing is what are we spawning, what kind of a society are we spawning where now as young as four years old they feel that they have to be artificially enhanced in some way to get through the day. Not only do us adults need our coffee or tea or whatever it is, but now the younger kids and the middle school kids and the elementary school kids and now these, you know, young almost pre-kindergarten kids at four years old. This is a dangerous -- a dangerous product.

I like to, you know, recommend the way to get energy, eat a healthful diet. Plenty of fruits, vegetable, full grains. You want to drink water if you're thirsty. You don't want to drink these things because they dehydrate the body. If you are thirsty, you are already dehydrated. You add this to it, it's going to exacerbate the repercussions of dehydration. A child's body is 70% water. If they are dehydrated and then they go ahead and they have something like this, they could have -- you know, kidneys can shut down, organs can shut down. The health repercussion is really, really dangerous.

I also wanted to touch on -- am I done? Oh, I also wanted to touch on real quickly the -- going to an older child, the NCAA has a complete list of permissible and impermissible ingredients and there are, I think, four or five permissible ingredients that an athlete that is in a college level of sport can have in his blood or urine that is permissible and every ingredient that is in one of these cans of energy drinks has the impermissible ingredient. So if they're called in for a urine test and it comes up, even green tea, but not the green tea that we buy, the Arizona green tea which is sold as iced tea, but the green tea extract. They have to sit out their sport for 365 days. What's going to happen to their scholarship? Why are they in college, you know, if that's what they went for on the scholarship and stuff like that. They will be asked to leave the team. It's a horrible product.

And then you have the products that are glorifying and romanticizing. Use these products, they are like doing cocaine. Use these products -- you know, bong water is another one. You know, they glorify and it's also been reported that they become a gateway to future drug use. So I want to thank you for listening. And I hope that you --

CHAIRPERSON BROWNING:

Thank you.

MS. BIRMINGHAM:

-- keep them out of the house.

CHAIRPERSON BROWNING:

Okay. We will have some questions for you. Like I said, my son, I caught him with a Monster drink one morning and I said, "Where did you get that?" I told him never again. In my house it's milk and water. That's it.

MS. BIRMINGHAM:

Good.

CHAIRPERSON BROWNING:

The only time there's soda in the house is when we're having company and special events. But, you know, he said to me the other day, he was complaining because he came home and he said to me he was very lightheaded, he was feeling dizzy. Could that be a result of having --

MS. BIRMINGHAM:

It could be the result of the withdrawal of it if he's had that. Because the kids, young ones, middle age -- you know, middle school age, high school, are going to have the same withdrawal symptoms that an adult has when you need that next cup of coffee or that next cup of tea because you need the caffeine. And the studies are not conclusive. They haven't even done extensive studies on the effects of caffeine on children or the withdrawal, whether it is the addition, the caffeine toxicity, or the withdrawal symptoms. That's still in the works. The research, we're expecting a whole slew of research at the end of this year.

CHAIRPERSON BROWNING:

We had -- Steven Dewey was here. He's an addiction researcher, and he actually talked about these drinks too and addictions. You know, it just floored me. Let me ask you, Gatorade, because I know he plays a sport and it's very hot in the summertime and the kids all bring Gatorade. What's -- is there a difference between Gatorade and these drinks?

MS. BIRMINGHAM:

Yes, there is a difference. Gatorade was formulated for, I tell the kids and they say "The Gators, the Florida Gators!" Yes. It's a drink to replace vitamins, minerals, potassium and salt loss during a heavy, heavy work out. I tell the kids in school save your money for college books, gas, car insurance, because you don't play enough sports in a day to warrant even drinking Gatorade. Now, because of their marketing and because of their colors and because of their flavors, kids are now picking these things up and drinking them as if they are a beverage of choice to wash down a sandwich at lunch time.

Over a long period of time if they drink an exorbitant amount of these they can develop kidney stones because of those minerals and that potassium and stuff that can build up. So I tell the kids, save it for a day that you're really going to be out there working or the football players. If you're thirsty, drink water, that's all you need. They are not running 26 1/2 mile marathons. They're not playing football in one hundred degree plus weather for eight hours. That's what Gatorade was formulated for, to save money.

CHAIRPERSON BROWNING:

And to finish up, I see the -- I know we have a couple more, but my last. The red thing, it says FRS; is that those things that the runners use?

MS. BIRMINGHAM:

It's like a dip or a tobacco chew, this is a product that they've come out with. This is, again, it glorifies the drug use -- I'm sorry, do I need the microphone? Did you --

MS. ORTIZ:

They can't hear you over here. They need it for the recording.

MS. BIRMINGHAM:

This is the patch, an energy patch. You can just slap that on, it's supposed to give you energy for two hours. It doesn't work. That's the only thing I tried. This Monster -- now, I talked before about how much caffeine is in the cup of coffee, 60 to 90 if it's a Starbucks. This bad boy has 320 milligrams of caffeine in it. All right? Divide 60 into 320 how many -- equates to how many cups of coffee. And this is how much sugar is in it. This is 28 level teaspoons of sugar that's in this right here.

So that's why it's adding to the obesity factor, that's why it's adding to the Type II Diabetes in such young ages. That was a disease that people didn't get until they were in their, you know, late 60's or something, and these young children are coming down with it.

This is the five hour energy. I have 200 products that I bring with me and other things, you know, all kinds of props and stuff like that, and it's amazing what's out there. Their marketing is so, so clever.

CHAIRPERSON BROWNING:

Okay. Legislator Eddington.

LEG. EDDINGTON:

That five hour one, I mean, how much caffeine is in that?

MS. BIRMINGHAM:

Same amount. It's just usually an artificial sugar so that they can shrink it down, sugar substitute.

LEG. EDDINGTON:

You mean like it's like 350.

MS. BIRMINGHAM:

I don't have my glasses. It might not say, because a lot of these labels don't have to really put what's in all of these things on there.

LEG. EDDINGTON:

I ask you because sitting on this side of the place, you know, if you start at 9:30 and around 4:30, 5:00, it's not always as exciting as the presentation that you're giving, and if you look to your right or your left you'll start seeing Cokes and Diet Cokes. Somebody sitting next to me within an hour has two or three cups of coffee, and this is what I bring.

MS. BIRMINGHAM:

Oh my goodness.

LEG. EDDINGTON:

But this has 80 things of caffeine.

MS. BIRMINGHAM:

Red Bull actually is one of the lower ones.

LEG. EDDINGTON:

So this really is like me just having a cup of coffee. So, I mean, if I do this during our less exciting parts, I like to have it in case the County Executive's Deputy comes. I want to be sharp when he speaks. I want to be ready. So that's when I pull out my Red Bull. What's the negative thing if I do something like this once a month?

MS. BIRMINGHAM:

Well, it's not negative if it's once a month. We're talking about the kids that drink this on a daily basis.

LEG. EDDINGTON:

Right, whether it's Coca Cola or an energy drink or anything it's --

MS. BIRMINGHAM:

Coca Cola only has 70, 71 milligrams of caffeine in it. That's an allowable amount in order for a product to be considered a food, has the USDA stamp on it, approved by the FDA.

LEG. EDDINGTON:

Okay. You are saying like that Monster drink has 350. That's like downing five Cokes, and that's the crazy part about it.

MS. BIRMINGHAM:

Exactly. Now, if you need a little boost of energy in the afternoon, a big tall glass of iced water, a handful of almonds, a piece of fruit, or some vegetable and a dip.

LEG. EDDINGTON:

I'll pass that on to the Presiding Officer and maybe he will supply that for us. All right, thank you.

MS. BIRMINGHAM:

You're welcome.

MR. JAHN:

By the way, I'm sorry, this according to the label it says has 1870 milligrams of the energy blend, which includes the caffeine, the tourine and a lot of the other things in the 2.2 ounces.

MS. BIRMINGHAM:

Right. It's the blend that they get away with, and that's what I tell the children. You don't know what's in that blend and that can be dangerous. I'm sorry, I probably went over.

CHAIRPERSON BROWNING:

You need to make a switch? And I'm drinking my green tea.

MR. JAHN:

My name is Tim Jahn and I've been with Cornell Cooperative Extension in both Nassau and Suffolk County's for quite a long time. And actually, I have been doing workshops on bullying for about 12 years now. I started it in after school programs and that has evolved now to include cyber bullying, because that's currently the concern of a lot of families and schools and parents. It also led to some spin-offs on things like Internet safety and anger management that are related to these topics as well. And interesting enough, even something I call pre-bullying, because I have even had child care centers comes in and want me to talk to their staff about children's aggression that looks like bullying at very young ages, at three, four and five years of age. So it's sort of big problem, the idea of children on managed anger, violence, peer violence, peer abuse against each other, bullying and cyber bullying.

This is just a -- when I do this presentation a lot of times I do bullying and cyber bullying together, but sometimes I will get requests from schools and libraries to sort them out depending on what their needs are. I'm going to really kind of just focus very quickly on some things in cyber bullying.

I usually begin with a story or two about what we refer to as bullycide victims. And Lexi Pilkington from West Islip, everybody is pretty aware of her story. It's been in Newsday back when it happened. She committed suicide and on the Internet were a lot of really mean things written about her. Her parents have since been very gracious and kind and forgiving and admitted that she had some other sorts of issues and problems, and they don't consider her a true bullycide victim, but even after her death there was mean stuff posted on the Internet and stuff. It got national attention because for that reason. And there are a lot of stories like this.

I talk a little bit about the prevalence, the pervasiveness of Internet with adolescents. I do a lot of programs for parents of adolescents on a lot of different kinds of issues facing families raising teen-agers. This is some data from 2007. Actually, the Kaiser Foundation, there has been some recent stuff that these numbers have gone up with how many kids have cell phones, how much are into the Internet and much screen time, how much they are in front of a screen during the day. Usually when they talk about these numbers they're talking about youth ages 12 to 18.

I always begin with a definition, these are the definitions, Dan Olweus, sort of the father of bullying prevention, he's a Norwegian and he's been in the field for almost 30 years. His program is one of the evidence based programs that they use in this country and throughout Europe. And I also use a definition from a woman named Barbara Coloroso whose book, *Maryanne, could you hold that up?* It's *The Bully, the Bullied and the Bystander* written several years ago and it's a great book. It's actually one of the books I recommend to parents because it's parent friendly compared to some other books on bullying.

And why I use these definitions is because I want to emphasize that bullying is something that happens over time, and the idea is to really intimidate, harass and create terror for the victim. It's not a one time thing, a fight among kids.

Okay. We talk about five types of bullying usually; physical, verbal, relational and sexual and of course cyber bullying, and that's where I'll focus now.

Cyber bullying is simply the use of technology to bully. That's what it is. What makes it particularly pernicious is that bullying happens outside of schools. Most of the other face to face in person bullying happens in the school setting or like a camp setting and some other organized setting, but usually in schools. With cyber bullying it happens beyond the school walls, it invades kids homes, invades their bedrooms, it persists 24/7. And on top of that, even when it's found and removed because it's been on the Internet, we don't know whether things have been saved, for example, defamatory websites and other kinds of things, whether some of the images have been saved and put somewhere else. It could actually last a very long time, even after it's confronted.

These are some examples. I actually just did a presentation in Northport at the Northport Public Library. I had both adults and youth there and I asked them if they knew any of these things. The adults knew very few of them, the kids knew some of them. Let me ask you, does anybody know what happy slapping is? This is basically what they do is with cell phones is film physical bullying. Usually actually it's a hit and run sort of thing where they run by a kid in the hallway and slap them or push them into the lockers and somebody else is filming it and then they put it on the Internet. They post it on YouTube and it's supposed to be very funny. But when you look at some of it it appears that the child has been victimized, the young person victimized does not think this is funny at all. It's also actually been -- they film fights and then post the fights where actually it's clearly physical bullying in the school setting and it gets posted on the website by somebody else who's witnessing this.

A couple of other things on here that people are surprised to see. Some of them are fairly obvious. Outing is when you share a secret of some kind about somebody. Masquerading is when you pretend to be somebody else. They create a lot of fake websites, they create polling places, voting booths where you vote for the ugliest or the fattest or those kinds of things. Sometimes kids don't even know that they're on these websites and that they're being exposed this way.

We just had in the news the student from Rutgers. What happens a lot is things in addition to like happy slapping, things get filmed and then uploaded and we saw that case with the Rutgers student where he was filmed, without his permission obviously, and then it was uploaded and the shame was so great for him that he committed suicide.

What I try to do with parents is to be aware of the warning signs. These are the warning signs if your child is being victimized. I do the same thing when they are being directly bullied in school. I also -- I don't have it in my presentation here, but I also do the warning signs if your kid is a bully, okay, what to look for is, in fact, because obviously there are parents who are parents of victims and there are parents who are parents of the bullies.

A couple of things on here with cyber bullying in particular is both in person bullying and on-line bullying result in kids not wanting to go to school. That's probably the number one red flag, and avoiding friends. But also with cyber bullying kids -- most kids want to use the computer. They stop wanting to use the computer. They don't want to look at their cell phone messages, they don't want to look on-line if they have a Facebook, a MySpace page because obviously stuff is getting posted that is embarrassing or hurtful to them.

What can parents do? I do presentations for lots of different audiences, mostly parents, but sometimes educators, so this slide will change and when I'm working also with kids and parents together I will also do what kids themselves can do to protect themselves. But I just have a quick slide on -- two slides on what parents can do. One thing is really important, the number one thing is parents need to talk. Just like they need to talk about energy drinks or substance abuse or gang involvement or anything, they need to talk about on-line safety, on-line privacy and the whole issue of cyber bullying. A lot of times parents become aware of it when it actually or the child's already been victimized or there's a critical incident in the school.

One of the other things, too, is parents to educate themselves about bullying. When they come to my workshop that's a start. Another thing they can do is set up a contract with their kids about computer use, what they can and can't do on the computer, hours of use, how often they use it, where they can go, so forth and so on.

And the last thing is, number ten, one thing about cyber bullying is a little different than in person bullying is that you can preserve evidence. There's a lot of times you can preserve the text messages, you can print out, you know, print out the page or website even before it's removed so you can actually have some evidence what's going on. So I talk to parents about doing that. In fact, I have a handout here that comes from Cyber Bullying U.S. about taking screen shots, how they can do that, how to actually take the web page and take a screen shot of it so it's preserved, both electronically and then they can print it out. And that's what we talked about, collecting evidence. Because like I said, unlike bullying when it's he said she said, with cyber bullying there's some chance to trace where this has come from. You can trace IP messages, you can save instant messages, you can save cell phone messages whether they're text or a voice mail.

And then I share with them the law here in Suffolk County so that they're aware that, you know, that it's a misdemeanor offense in Suffolk County for a young person to be cyber bullied. I'll give you this, the handout I give out taking the screen shots that I wanted to share.

CHAIRPERSON BROWNING:

Is that the one we just received?

MR. JAHN:

No, this is an additional one.

MR. MINEI:

I just wanted to summarize. Today we gave you a snapshot of two of the incredibly important programs out of Family Health and Wellness. I sat in on a session that Tim gave the day before Memorial Day, and there had to be at least 50 people crowding our conference room. And what Tim also does is teach the teachers. So if you think "Oh, I have heard this before", they were most likely educated by Tim Jahn here. Please keep this in mind when you are considering the budget cuts. One-hundred and eighty-eight thousand dollars will decimate the programs in Family Health and Wellness.

CHAIRPERSON BROWNING:

Okay. Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

I just quickly wanted to mention how helpful Cornell has been with my Community Gardens Task Force and that that's moving forward. Susan Wilk has been part of that and she's with the Diabetes Program. She's been working on trying to get a grant to get more money coming in to help us with that. So, you know, you guys are doing a great job.

MS. BIRMINGHAM:

I did the canning, I came and did the canning with the girls.

D.P.O. VILORIA-FISHER:

You did the canning at my church for the people learning how to -- yes.

MS. BIRMINGHAM:

Yes, it was very nice.

D.P.O. VILORIA-FISHER:

That's going to be an interactive program moving forward. We are going to have a greater need as people are going to look to try to raise their own food and do the canning, share their food with food pantries and address health and obesity and diabetes issues through healthy eating.

MS. BIRMINGHAM:

Yes.

D.P.O. VILORIA-FISHER:

So thanks for the help.

MS. OLSEN-HARTVICK

I would just like to add that we're in all of your districts. Our staff of 20 people is out on the road every single day. They are really hard working and they are doing programs in your communities, at your libraries, at your schools, at your churches, at your health centers. We're passionate about what we do. We have been funded by this County for over 40 years to do this kind of programming, and in the past two years we have had great difficulty sustaining our funding. And the issues have not changed for families, the priorities. Our resources at Cornell Cooperative Extension have not changed and frankly we would like our staff to spend a whole lot more time out working in communities than trying to always be doing politics.

(Laughter)

CHAIRPERSON BROWNING:

You said it. Okay, any questions; no?

LEG. EDDINGTON:

I've got a question.

CHAIRPERSON BROWNING:

Okay, Jack?

LEG. EDDINGTON:

Why do you think that's happening? Well, I mean, you obviously have -- you know, it's a value what you're doing and you come and show us each year the value, and yet you are saying that each year you're struggling and you have to end up sitting here playing politics. So obviously your strategy isn't working, so what's at the root? You know what I mean? Otherwise we'll look at you, we'll say hi and see you next year. How can you prevent this from happening again? I mean, what are you going to do proactively?

MS. OLSEN-HARTVICK

I think one of the things that -- first of all, I have to tell you that two years ago in the 2009 budget process when the County Legislature eliminated over \$300,000 of our funding I could barely get out of bed the next day. After working at the agency for 22 years I'd never seen anything like this. We got right into understanding that we needed to do a whole lot more with our marketing. For the past two years no one in my department has done a public education program without inviting the Legislators from that district. We are sending you things in the mail, we are sending e-mail, we are calling. We are trying very hard.

We are still recovering. Last year we were only able to get back 188,000 of our funding out of the 300, and this year it's on the slate to be eliminated again. So we're struggling to keep a core team together. We understand it's hard economic times and we're not asking for the original amount we had. We figured some things out, we're making due. We'll come back again when there's more money to be had. All we want to do is maintain. All we want to do is not have to layoff more people who are doing this fabulous work. And I think you can tell by the presentations they're intelligent people who serve the people of Suffolk County very well.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

Kate?

CHAIRPERSON BROWNING:

Okay. Go ahead, Bill.

P.O. LINDSAY:

I know you understand this, but you got to hear it. We don't have the money. The last three years we're against a fiscal crisis that isn't going away with this 250 employees to be laid off in the County budget that we have before us now.

So nobody has it in for Cornell, nobody is questioning about the work you do. And I don't know what we're going to do with it yet because we haven't gotten to that part of it, but the County Executive cut the money this year. You said the Legislature cut it two years ago.

CHAIRPERSON BROWNING:

Right.

P.O. LINDSAY:

And then restored it. You know, we're trying the best we can to keep everybody alive.

MS. OLSEN-HARTVICK

Thank you.

P.O. LINDSAY:

And we're trying to stay alive for another day. I can't make it any clearer than that.

CHAIRPERSON BROWNING:

Okay. And I think, because I remember that time and I think basically it was everybody kind of looked at each other and said, "Well, what do they do with this?" And I think it was because the outreach wasn't there. Like you said, you didn't market it well enough. That's what you need to be doing, is marketing what you're doing. And again, contact every Legislator. I just received an e-mail about something that was being held in my district at the local library and I appreciated the outreach. I wasn't able to go because I had something else, but again, reaching out to us and letting us know this is what we're doing in your district this week, this is what we're doing next week, you know. And sometimes even give us advance notice if you know you're coming a month ahead of time. Let us know, because if I know you've got something in my district I'll go.

So I do think it's the marketing part and that was based on -- that decision was based on that we -- what do they do, we really don't know much about it, and then we're looking at other programs that we thought well, maybe they can help or maybe they can do that. There's a concern about duplication of services. But, you know, with educating us I think we can help you. Okay? Any other questions? No? Okay. Well, we thank you for coming today.

MR. MINEI:

Thank you.

CHAIRPERSON BROWNING:

And we have Commissioner Blass who is going to give us some information on Medicaid fraud.

COMMISSIONER BLASS:

Good afternoon, Madam Chairman. In addition to discussing Medicaid fraud, after that I would be most grateful for an opportunity to discuss the progress with Resolution 417 relating to the multiple site project for homeless sex offender housing, about which in that connection we have distributed two documents that I believe all committee members have. But with that --

CHAIRPERSON BROWNING:

I would like to start and say, you know, I did send you an e-mail from the Comptroller DiNapoli about Medicaid and, you know, we're seeing a big increase in Medicaid applications. My concern is there's a lot of people applying, but is there a lot of people that are applying fraudulently. And we can't afford it if they are. So if you -- go ahead.

COMMISSIONER BLASS:

That's very true. I would like to start with a little background. Your point about the increase in applications is well taken. I'd like to report to the committee that we had for the month of August a record 6,600 applications for Medicaid alone.

Before I talk about Medicaid fraud, I should talk about the unit in DSS that deals with it, which is the Special Investigative Unit, SIU we'll call it. The Special Investigative Unit is a part of the department's staff. It consists of one Investigative Auditor, two Investigative III's, seven Investigator II's, one Investigator II involved with Social Security Frauds and referrals, two Investigator I's and two Clerical Support. The Special Investigative Unit is responsible for the review and investigation of fraud complaints and allegations involving Social Services programs and services and its primary function is to ensure that the expenditure of public funds is only for those who are legally entitled to receive those benefits.

The State Office of the Medicaid Inspector General coordinates all State activities to combat Medicaid provider fraud, waste and abuse. SIU on the DSS level is responsible for investigating allegations of recipient fraud. So recipient fraud is generally our obligation and format and our turf really, but when it comes to provider fraud the State makes the call.

The unit is an effective force in uncovering, prosecuting and deterring welfare fraud in the County. It has uncovered fraud of unreported assets, of unreported income, misdated household composition, dual assistance, fraudulent vendor billing, misuse of funds, filing of false applications, and the unit Investigators save taxpayer dollars for sure. The varied SIU activities and client contacts are no doubt a deterrent. The unit ensures integrity in the system by making clients aware of their responsibility to provide information at eligibility and at recertification that's accurate. SIU and its activities are consistent factors in monitoring the caseload of eligible recipients as well as uncovering fraud.

Now, in 2008 SIU joined the New York State Department of Health Office of the State Medicaid Inspector General in the Provider Fraud Waste and Abuse Project. This procedure seeks only approval to conduct audits, coordinate investigations with them and oversee contract agency audits to ensure they are in conformance with the OMIG procedures. In June of '08 SIU began to refer Medicaid providers for audit to OMIG for their approval as per their requirements.

Now for some data, updated information on stats. As to audits reviewed and submitted to the OMIG since the pilot started, we have reviewed and submitted to OMIG 108 cases of provider fraud targets. The audits that were approved for us to do that OMIG didn't take for themselves, number 33. They were 22 pharmacies, eight transportation companies, three durable medical equipment companies. The audits that were completed out of these 33 number six, the gross recoveries numbers \$163,697. We are still working on and about to complete 27 other audits out of those 33. The potential recoveries on the pending audits, those 27 audits in gross dollars amounts to between ten and 14 million dollars.

On August 11th we submitted 15 additional audit referrals to OMIG. They consisted of ten pharmacies, three transport companies and two durable medical equipment companies. And next week we are on the verge of submitting 18 more audits to OMIG involving ten other pharmacies, five transportation companies and three durable medical equipment companies.

Audit submissions to OMIG are based on high volume, high costs. The findings are reviewed with the Bonadio Group, which is one of our contractors. I'll get into what our contracts are in a moment. Suffolk's share of the recoveries, again, based on OMIG guidelines, is 25% of the net recoveries for the local district. By net we say 25% of recoveries after expenses.

I can give you some information on recipient fraud update, but before I do I just want to go into the contracts that we have with some firms that help us with the provider fraud process. Summit is a contract on an as needed basis. They provide us with investigative resources. So far, because they are on an as needed basis, we haven't used them. We have been able to accomplish what OMIG has let us work with in-house with the staff I just listed. We have an auditing firm that assists us with actual audits. They review the audit targets before they're submitted to OMIG and

that's done by the Bonadio Group. And finally, Salient. Salient is a computer software company that provides us with software to simplify access to the very complicated New York State Medicaid database. And if it's the pleasure of the committee I'll go on to recipient fraud. Yes, Legislator Fisher.

D.P.O. VILORIA-FISHER:

Greg, I just have a very quick question before you go on. I just didn't understand when you said that we get 25% of the recovery after expenses; is that our expenses or the State's expenses?

COMMISSIONER BLASS:

Those are our expenses.

D.P.O. VILORIA-FISHER:

Our expenses, okay.

COMMISSIONER BLASS:

Yes, and that's what we pay the contractors as we use them and other expenses related to that.

D.P.O. VILORIA-FISHER:

Thank you.

LEG. KENNEDY:

Madam Vice-Chair, if I can just interrupt for one second, too, and I'll try to keep it very brief. Twenty-five percent after recovery. If we engage the contract agency, if we engage Summit, do we still maintain that 25% recovery or is that recovery reduced based on what they realize for us?

COMMISSIONER BLASS:

We still retain the 25% recovery. It's net of expenses, then you take the 25% share.

LEG. KENNEDY:

So we're able to go ahead if we bring them in and charge that off as an expense, a reimbursable expense, in order to get the recovery?

COMMISSIONER BLASS:

That's correct.

LEG. KENNEDY:

Okay. I want to go back to them in a second. I don't want to interrupt you as far as you laying this out, but I do want to go back to our decision about engaging them.

COMMISSIONER BLASS:

Okay. Now, do you -- are you prepared to have further questions about provider fraud or would you like to go into recipient fraud.

LEG. KENNEDY:

I've got a ton questions about provider fraud. As a matter of fact, in particular about what we can do with pharmacies, how we control what the selection process is, and in particular, with transportation companies.

COMMISSIONER BLASS:

Okay. I'll yield to the committee on how you want to proceed. I can briefly finish up the recipient fraud update. I can just do that very briefly.

D.P.O. VILORIA-FISHER:

Greg, I think that seems like a good idea, to finish up your presentation and then when the Chair is back at her seat we'll go over this. Because I have some questions about the numbers you mentioned with provider fraud, so we'll go back to that.

COMMISSIONER BLASS:

Yes. On recipient fraud we have completed -- for 2009 we completed 595 fraud investigations; for 2010 to date we have completed 152. Of -- in 2009, we referred -- I'm sorry, six cases to the DA for prosecution, and 2010 we completed and referred 14 cases to the DA for recipient fraud prosecution. The total Medicaid recipient fraud that was uncovered in 2009 amounted to \$68,818. This year-to-date, because of the priority we're giving Medicaid fraud on the recipient side as well, we've recovered to date \$361,956.

P.O. LINDSAY:

Can I just stop you there for a minute?

CHAIRPERSON BROWNING:

Yeah, go ahead.

COMMISSIONER BLASS:

Yeah, please.

P.O. LINDSAY:

How do we get -- how do we know who to investigate; is this complaint driven?

COMMISSIONER BLASS:

It's complaint driven. It's also based upon samplings we take of Medicaid information from our Medicaid records.

P.O. LINDSAY:

So some of it is random? The records don't look right or something?

COMMISSIONER BLASS:

Correct.

P.O. LINDSAY:

Okay.

COMMISSIONER BLASS:

I can go into an additional effort that we're undertaking with prescription diversion update where we have indications that a single Medicaid recipient is receiving and obtaining more than would be -- what would be reasonable Opiate prescriptions, for example, and that is just getting underway and we'll have more information on that as we proceed. Right now I'm ready to proceed with questions on provider -- on recipient fraud.

CHAIRPERSON BROWNING:

Go ahead.

LEG. KENNEDY:

A couple of different areas that I just want to try to buzz through real quick. Let's start with the OMIG approved gross number and what we've been able to realize. You began with 33 that you had identified -- oh, I'm sorry, there were 108 total referred to OMIG, 33 were approved for local audit.

COMMISSIONER BLASS:

Right.

LEG. KENNEDY:

Of those, six you have completed and 27 are in process?

COMMISSIONER BLASS:

Correct.

LEG. KENNEDY:

Okay. And then you've identified another 15 that you have referred over to OMIG?

COMMISSIONER BLASS:

Right. Those were our latest submission, and those were submitted on August eleventh.

LEG. KENNEDY:

Okay.

COMMISSIONER BLASS:

And we're about to submit 18 more.

LEG. KENNEDY:

Fifteen and 18, so we have another 33, I guess, that have gone to them. Since we have such -- if you have the opportunity to realize 10 or 14 million, I assume that's gross, 25% of that we would look as our local recovery, so it could be two-and-a-half to three million that we would realize. And this is no disparagement to your team, I presume this is your team here at the table? Okay. Thank you for doing the wonderful work that you do. But why wouldn't we want to bring in Summit to go ahead and pursue as much as we could of all of these identified violators contemporaneously? Why are we moving in a linear fashion utilizing this team to go in succession when we desperately need the money now. We need it all now.

COMMISSIONER BLASS:

Our decision on using Summit is if we consider them to be necessary for our speeding -- we don't think that they would speed up our processes, we just believe that -- what they would do is review our work.

LEG. KENNEDY:

Oh, so they don't independently investigate, they augment your investigation team?

COMMISSIONER BLASS:

Yes.

LEG. KENNEDY:

That's the role that they would have? So in other words, of the 33 more that we're talking about, you folks -- you know what, you've got me at a disadvantage. Who are you, sir?

CHAIRPERSON BROWNING:

I know, I was going to say let them introduce themselves.

MR. CAMPANELLI:

I'm Ron Campanelli, I'm an Investigator with the SIU Unit.

MR. FERRETTI:

Gerry Ferretti, I'm the Senior Investigator with SIU.

ASST. COMMISSIONER BARNES:

Tracey Barnes, Assistant Commissioner, Supervisor for Special Investigations Unit.

LEG. KENNEDY:

Nice to see you again. How are you? Okay, so you folks commence the investigation process and you go through it to whatever the conclusion is. You get the recovery, and then you move on to the next entity on the punch list; is that it?

COMMISSIONER BLASS:

The next target we call it.

LEG. KENNEDY:

Okay.

MR. CAMPANELLI:

There's 33 audits in process right now, 33 audits that we had submitted and got approved for. Right now we're in process of 27. We are controlled by the OMIG. The OMIG makes the decisions on how we can proceed with these audits. Most of the time that is spent is up in New York State and they analyze the data that we recover from these audits. That's what the time process is and that's why it takes so long, is because we're waiting for the New York State to give us the okay and to proceed with these audits.

LEG. KENNEDY:

Okay. And you're taking business records, transactional records and things like that from these providers in the first instance and then doing sample reconciliations and use and things like that.

MR. CAMPANELLI:

For example, like with a pharmacy we'll get 200 samples of the 30,000 claims that they make. The auditors will examine those 200 claims, then it has to be reviewed by the State, and the State will give us the okay if they agree with the findings of the auditors or not. That's the process that takes so long, is because the State actually has to review each 200 claims also.

LEG. KENNEDY:

Okay.

MR. CAMPANELLI:

And our County is not the only county that they're reviewing. They're reviewing counties throughout the State and so that's why it's such a slow process.

COMMISSIONER BLASS:

We would be very pleased if they moved faster, but we know that a lot of the apparently lethargic pace has to do with where the money is. And if they recognized that there is a substantial recovery they'll take it for themselves and have, and some significant audits that we've identified. They're very pleased to receive them and tell us nothing about them.

LEG. KENNEDY:

So then we don't realize that 25% recovery if it's a potential violator that they view as a big ticket and you refer up, they take a hundred percent of recovery?

COMMISSIONER BLASS:

What the State giveth, the State taketh away.

LEG. KENNEDY:

Wow. All right. So then there's really no gain to be had by engaging -- in other words, what I'm thinking is, is you're a team of, you know, finite team of three, four, five individuals who, as you said, are pursuing 33 or 27 right now. You couldn't bring Summit in on the other side to move against the other 33 you just referred and have a tandem effort for 66; doesn't work that way?

MR. CAMPANELLI:

No, it doesn't work that way.

LEG. KENNEDY:

It figures.

MR. CAMPANELLI:

We -- it's not up to us just to go out and do the 33 audits by ourselves. We need the approval by the State. Everything is controlled by the State, so just adding more people is not going to get the benefit of speeding along the process of the 33.

LEG. KENNEDY:

Okay. All right. Just two more quick questions and then back to the Commissioner. When we -- how many transportation companies does the agency use right now?

COMMISSIONER BLASS:

We use a number of small taxi firms and the real transportation dispatching is accomplished by Servisair, which is one company.

LEG. KENNEDY:

Okay.

COMMISSIONER BLASS:

And they vary in whom they use, but there are two or three primary taxi companies which use vans and others and that's on whom we rely, through Servisair. We point out that there was a time when the transportation issue was very serious, some very difficult confrontations occurred before this committee taking the committee's time. I'm happy to report that that transportation issue with us and our Medicaid program has been resolved in an exemplary way and Servisair is doing very, very well with our own transportation.

LEG. KENNEDY:

Yes, and I agree with you. However, I believe in what you related to us that you now identified eight transportation providers who you referred for audit. Is that eight of 18 or eight of 800? How many do we use?

COMMISSIONER BLASS:

Let me caution that without -- we won't get too specific.

LEG. KENNEDY:

No, of course not.

COMMISSIONER BLASS:

I'll ask Ron to respond to that.

MR. CAMPANELLI:

I don't have the exact number of transportation companies that we have contracted out in Suffolk County, but there are at least over 25 to 30.

LEG. KENNEDY:

Okay.

COMMISSIONER BLASS:

It varies. Sometimes we go down much lower than that, sometimes we'll go a little above that.

LEG. KENNEDY:

And there's no advantage we would have to narrowing that group based on past satisfactory practice or better audits? I mean, are we open and we're just getting hammered by folks that, you know, are opportunists?

MR. CAMPANELLI:

Well, these audits are basically compliance audits. If there's any fraud involved we will refer this case to the Attorney General to do prosecution on them. Of the 16 audits that we have conducted so far, actually we're in the process of, we've only done I believe eight so far that we've actually conducted an audit on. It seems to be very lucrative and there does seem to be some compliance problems.

LEG. KENNEDY:

Okay. And I'll leave off on this, but I would have that same type of question for the pharmacies, too. Wouldn't we get some greater degree of control? I'll go with a specific. The pharmacy on the corner of Townline and Terry Road that the guy had a million dollars worth off Ensure in a little rinky dink pharmacy in Nesconset, in our neighborhood. No way on the face of the earth that this guy was moving 10,000 cases of Ensure, but who -- do we have any degree of control in establishing where one of our Medicaid clients can go to get script items or is it completely up to them?

COMMISSIONER BLASS:

It's completely up to them unless they are placed on the limited restricted provider list, and that's why we inaugurated our own prescription abuse investigation which there's one -- we're getting away from this but it is still responsive to your question. If the State has now identified 157 recipients, Medicaid recipients, who are not allowed to go to any but one provider because they have been shown to have been going to multiple providers raising questions about Medicaid prescription abuse, other than -- and that we think is a starter -- a startlingly limited number when you take 157 out of 161,000 Medicaid recipients in Suffolk County. So we're trying to augment that in cooperation with the Police Department. But that aside, there is no reconstruction on where a recipient can go. However, OMIG has restricted our investigation ability with the chain pharmacies. We are no longer allowed to pursue the chain pharmacy. We just got that directive. I'll ask Ron to elaborate on that.

MR. CAMPANELLI:

As long as pharmacy is a Medicaid provider approved by the State, a client can go to that pharmacy to fill a prescription, but the pharmacy itself has to be a Medicaid provider. If they're approved by the State, yes, the client, normal client, can unless they're on the restricted list.

LEG. KENNEDY:

And if a recipient, for whatever reason, was engaging in intentionally defrauding, you know, getting bum script and looking to go ahead and, you know, get opiates or whatever, things like that, we have to wait for the State to identify that that's an issue or we can bring it to them but we have to wait for them to decide.

MR. CAMPANELLI:

Just basically on the audit we would be able to do it, but if it was just one recipient it would be a police matter and we could make an arrest.

COMMISSIONER BLASS:

And the level of cooperation, without my delving too much into detail --

LEG. KENNEDY:

No, definitely no specifics.

COMMISSIONER BLASS:

The level of cooperation between the Police Department and our department has been significantly enhanced in this regard.

LEG. KENNEDY:

Thank you, Mr. Commissioner.

CHAIRPERSON BROWNING:

Okay, Vivian and then you are next, Tom.

D.P.O. VILORIA-FISHER:

Mr. Campanelli, bear with me because I am confused. I don't know, it seems the State works more against us than with us and you must be so frustrated when you have these leads --

MR. CAMPANELLI:

(Nodded head yes)

D.P.O. VILORIA-FISHER:

-- and then they get caught up in a quagmire up there.

MR. CAMPANELLI:

It's a very, very slow process.

D.P.O. VILORIA-FISHER:

Yes, but if I understood what you said, it's not only slow, but it can be impeded by the State so that we don't get the net, that 25%, and I'm wondering how that happens. Isn't there a paper trail that the investigation has begun here and that we have sent it to the State to be further investigated, and wouldn't that then give us some right to that 25%?

MR. CAMPANELLI:

If we start the audit and conduct the audit and they find that there's some possible fraudulent activity, it will be reviewed to the Attorney General and we will not receive any of that benefit. If we start the audit and there is no criminal activity but there is a compliance issue we will be able to keep that audit and receive the 25%. The OMIG has to approve everything --

D.P.O. VILORIA-FISHER:

Okay. So if it's criminal activity we don't get anything because it goes to the AG.

MR. CAMPANELLI:

That's correct.

D.P.O. VILORIA-FISHER:

If it's a compliance issue then it runs through the process, albeit slow, and eventually we'll get our 25%.

MR. CAMPANELLI:

That's correct.

D.P.O. VILORIA-FISHER:

So the recovered 361,000 in 2010, those were all compliance issues?

MR. CAMPANELLI:

For the Audit Program it was a 163,000 recovery.

D.P.O. VILORIA-FISHER:

You threw a lot of numbers at us and I'm not -- so I really tried to keep up. But in 2010 what did Suffolk County recover and are you talking gross, are you talking net?

COMMISSIONER BLASS:

Three sixty-one, Legislator Fisher, was -- the 361,000 figure was the total Medicaid recipient fraud for 2010 year-to-date.

D.P.O. VILORIA-FISHER:

Okay.

COMMISSIONER BLASS:

The \$163,000, 163,697, was the gross recovery for provider fraud, yes.

D.P.O. VILORIA-FISHER:

Okay. And you had -- Commissioner stated that there were 108 cases, okay, that we -- since the pilot started. Those 108 cases represent a suspicion of fraud, a referral, what were those 108 cases?

MR. CAMPANELLI:

The reason we have been doing audits on them is high dollar cost and high provider.

D.P.O. VILORIA-FISHER:

So you were just alerted by the volume.

MR. CAMPANELLI:

Correct.

D.P.O. VILORIA-FISHER:

Okay. And of those 108 cases there were 33 where you did a local audit.

MR. CAMPANELLI:

Thirty-three were approved by the State and we had done a local audit on them, yes.

D.P.O. VILORIA-FISHER:

Okay. And that 163,000 that was recovered, again, I'm a little dense, bear with me, was a gross recovery or a net recovery?

MR. CAMPANELLI:

That's a gross recovery. That was from a total of four audits.

D.P.O. VILORIA-FISHER:

From four audits. And will we be realizing a 25% share of that after our expenses?

MR. CAMPANELLI:

Our expenses are more than that.

D.P.O. VILORIA-FISHER:

Our expenses are more than 163?

MR. CAMPANELLI:

Yes.

D.P.O. VILORIA-FISHER:

So what happens?

MR. CAMPANELLI:

We will continue with the other audits that we have, the other 27, and we will be able to realize a profit in it.

D.P.O. VILORIA-FISHER:

So then we'll get all of the 163 because our expenses are more than that or do we have to wait until we finish all of the search that -- of that whole universe.

MR. CAMPANELLI:

Until we meet criteria of our expenses we will not recover anything.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Madam Chair.

CHAIRPERSON BROWNING:

Okay. Tom.

D.P.O. VILORIA-FISHER:

You do this every day, you have my sympathy.

LEG. MURATORE:

Commissioner, you just need to clarify something for me. Only your office can initiate and conduct a Medicaid fraud investigation. No one else can, only your office or your Investigators.

COMMISSIONER BLASS:

Under the OMIG pilot project that's correct.

LEG. MURATORE:

Then an organization like Summit just verifies what you have done.

COMMISSIONER BLASS:

They need to hear from us, right.

LEG. MURATORE:

But no one other than your office can start an investigation.

COMMISSIONER BLASS:

That's correct. It has to be done by the department in-house. Our contract service agencies can assist us with the targets that we have achieved.

LEG. MURATORE:

Okay, because I know they came here sometime in April or something -- I mean April, right, and did a presentation to us?

COMMISSIONER BLASS:

Yes.

LEG. MURATORE:

And they alleged they recovered like in 2009 over six million dollars, what they called ROI, whatever that is.

COMMISSIONER BLASS:

Their operation was in Nassau County and Nassau County has no Investigators. The Civil Service title of Investigator is utterly absent from the Nassau County Department of Social Services. So they rely upon the contract agencies to do what we do in-house.

LEG. MURATORE:

So -- but that group recovered \$6 million for Nassau at no expense to Nassau.

MR. CAMPANELLI:

They've identified, not recovered.

LEG. MURATORE:

Oh, that's what ROI stands for?

MR. CAMPANELLI:

I'm not sure what ROI stands for.

LEG. MURATORE:

Were you here for their presentation in April?

MR. CAMPANELLI:

No, I was not.

LEG. MURATORE:

No, okay. They are saying they -- in 2009 \$6,770,000 they recovered for Nassau, so, I mean, and they did that with no expense to the County. Is that what they said? You know what, maybe we need to bring them back here. But I understand now, you are telling me no one but your office can conduct an investigation as long as we have Investigators.

COMMISSIONER BLASS:

In the provider fraud that's true. Some of the figures that they presented were combinations of recipient and provider fraud over a number of years.

LEG. MURATORE:

That was for 2009. The total -- they did a comparison from five to ten and that number is 17 million.

COMMISSIONER BLASS:

Right. That was a combination of provider fraud and recipient fraud.

LEG. MURATORE:

Right.

COMMISSIONER BLASS:

We're comparable to that.

LEG. MURATORE:

We are.

COMMISSIONER BLASS:

Yes, yes, sir. Absolutely.

LEG. MURATORE:

Just a question. Thank you.

CHAIRPERSON BROWNING:

John.

LEG. KENNEDY:

Thank you, Madam Chair. Just -- can you give us, Commissioner or -- I need this. I'm struggling with some of the numbers. What you've been able to compile, can you give me an idea of what it is that this unit, this team, has been able to realize over I guess the last 12 months or the last 24 four months? You know, notwithstanding the Presiding Officer's comments, which are extremely pertinent, I would love to see 12 of these people at this table. I have this sense that, you know, with all the different things that we have to do at this point, this is -- we're talking like a major arterial bleeder here and you folks are like the only band-aids in town.

COMMISSIONER BLASS:

This is not all of the recipient fraud staff, that's a much larger project, but we're dealing primarily with Medicaid provider fraud. I'll be glad to give you information --

LEG. KENNEDY:

How many people do we have in our -- what are you CSI, SIU? Oh, SIU.

MR. FERRETTI:

I can give you a basic overview of what SIU does.

LEG. KENNEDY:

No, no, no. I'm convinced already you find bad guys and you get us money. How many of you are there?

MR. FERRETTI:

There's eleven Investigators currently, four of which are Medicaid Investigators. The other seven are in the Public Assistance food stamps area of welfare fraud. We cover everything from child care and what we call front end detection. We go out, investigate cases as they're applying to try and stop them before they are committing fraud. We also have cases that are eligibility verification review, which are cases that are active that we review if there's a red flag that indicates a reason we should go out and do that. All of these things fall under the SIU. Currently there is no front end detection on Medicaid, so the only thing we do with the Medicaid is we investigate ongoing fraud, which results in either a prosecution or unfortunately a case where there is no fraud. Sometimes those cases where there's no fraud still have unrecoverable overpayments, but since the only option on recovering it is prosecution, if it's not prosecutable by DA standards, it falls into that unrecoverable category.

COMMISSIONER BLASS:

Let me -- Legislator, if I may give you a figure that represents cost avoidance for 2010, just 2010 year-to-date, that this staff has accomplished. This means, for the edification of all present, that -- cost avoidance means uncovering application fraud before benefits are provided. And for 2010 year-to-date cost avoidance -- avoided expenditure to fraudulent applicants of \$9,156,682.

That was done by in-house staff based upon what was caught with application fraud. Unfortunately, the Medicaid system doesn't lend itself to cost avoidance analysis, a major flaw in the whole Medicaid program, and that's what OMIG is trying to catch up with on the other end. But if we could reform that system we certainly would find similar results we're sure.

LEG. KENNEDY:

How many audits or targets does each one of your Investigatory folks usually carry? Is it like a caseload?

MR. FERRETTI:

Yes. Currently each Investigator carries anywhere between 50 and 75 cases, active cases, of investigations of ongoing fraud in addition to the Investigators who do the front end detection and the eligibility verification review.

CHAIRPERSON BROWNING:

What was that number again? I'm sorry.

MR. FERRETTI:

Fifty to 75 cases in their caseload.

CHAIRPERSON BROWNING:

Okay. You have eleven Investigators.

MR. FERRETTI:

Per Investigator.

CHAIRPERSON BROWNING:

Each of them have 50 to 75.

LEG. KENNEDY:

You know, the next question is just -- it's like begging a stupid question, but would you be able to avoid more or --

CHAIRPERSON BROWNING:

Detect more.

LEG. KENNEDY:

Right, resolve more fraud with more Investigators?

COMMISSIONER BLASS:

Well, let me put it this way; more can always be accomplished with more resources. That is understood, but there comes a point where we would analyze the return for the investment of resources, and we're convinced that while we have a -- we have how many vacancies now as a result of the early retirement?

ASST. COMMISSIONER BARNES:

Just one.

COMMISSIONER BLASS:

Just one. And that one is being addressed in the early retirement incentive plan, but overall we think that with a caseload and the accomplishment we are at peak efficiency. We're very convinced of that.

LEG. KENNEDY:

All right.

D.P.O. VILORIA-FISHER:

Just one more question.

CHAIRPERSON BROWNING:

I was going to ask, but go ahead. I'll finish up.

LEG. MURATORE:

Kate.

CHAIRPERSON BROWNING:

Okay.

D.P.O. VILORIA-FISHER:

Commissioner, just a very quick question. Is there then a reform that would address this issue in the works on the State level? Is there some kind of legislation and a sponsor? You're saying that they're looking at the pilot program. Are they looking at specific reforms that would allow you to go ahead and do your job in the cost avoidance area.

COMMISSIONER BLASS:

We have seen the State's attention so directed now at the State takeover of Medicaid and the preparation of the plan for that, which they intend to release some time next month, combined with an overwhelming acceleration of applications for those who seek the program and an increase in the eligibility criteria, meaning getting more and more -- becoming eligible by eliminating such things as personal interviews. Personal interview for Medicaid applications came to a halt April 1st. The means test. They'll consider your salary, but we are no longer supposed to consider assets of an individual when we consider eligibility.

So that's a long way of saying to your question the State hasn't demonstrated reform in the sense of efficiency, but it has demonstrated substantial effort at expanding those on the program. I'm not judging this, I'm just noting the emphasis. The emphasis is to get as many people eligible as possible, which is why we now have just in the past few months climbed exponentially in the terms of people who are now being found eligible. And that volume is showing no leveling off, it's spiraling, which is awkward because the access to services that this would pay for at hospitals, at behavioral treatment, at drug rehabilitation, that's where the State is cutting back. So the availability for money to get services is expanding and the services themselves is declining. I really can't explain the State's policy, but certainly a reform like that, of up front cost avoidance for Medicaid, would be very well indicated.

D.P.O. VILORIA-FISHER:

So are you saying that the three or five year look back that used to exist when someone was looking for Medicaid eligibility, let's say people going into nursing homes etcetera, that that's no longer there?

COMMISSIONER BLASS:

The means test is gone. It's based upon strictly income. We have been directed to discontinue assessing what a person owns and reviewing only what they make.

CHAIRPERSON BROWNING:

So you can own a million dollar home.

MR. CAMPANELLI:

A million in cash.

D.P.O. VILORIA-FISHER:

You can have a million dollars?

CHAIRPERSON BROWNING:

Yeah, a million in the bank. I'm sorry, Tom. I passed you; go ahead.

LEG. MURATORE:

I just want to comment to the Commissioner. You know, this SIU, they're revenue positive. They generate income for the County or they save money that's not going to leave -- maybe we need to put more of them on. Maybe you need -- you say you have one, you know, that's leaving now, but maybe two or three -- if they're producing money why wouldn't we have more of them doing it? It seems like common sense to me if they can bring -- or authorize more overtime or do what you have to do to get them to do their work a little bit more.

COMMISSIONER BLASS:

And we are doing that. We have made active use of overtime and active use of cost efficiencies, computer software. We're reasonably confident that the staff load that we have is doing the max that can be done. And you -- but of course you're always going to answer the question if you had more could you do more, conceivably yes, but in this particular instance we don't -- we think that we're achieving the highest efficiency level.

LEG. MURATORE:

Because all the Commissioners come here and say they can do with what they have, but it seems like I believe they could do -- if this SIU team had one or two more members they could do a lot more, just like the Police Department. Just like a lot of the other departments that are hurting for personnel who generate income for the County.

COMMISSIONER BLASS:

Far be it from me to separate myself from my fellow Commissioners.

(Applause & Laughter)

D.P.O. VILORIA-FISHER:

That line was worth the price of admission.

(Laughter)

CHAIRPERSON BROWNING:

That's why we love you. That's too funny. I have a question. The -- okay. You have the eleven Investigators, your clerical staff, your auditor. How are those positions funded? Are they funded through Medicaid or reimbursement? I mean, how is that done?

COMMISSIONER BLASS:

All Medicaid work is 100% reimbursed, right down to salaries and benefits. And if a person is doing 100% Medicaid work, they are 100% reimbursed. If an Investigator is doing work that relates to other kinds of work as well, which most of our staff does, then the reimbursement rates would be adjusted to what those programs provide for. For instance, if they are investigating TA cases that would be a approximately a 41% reimbursement rate.

CHAIRPERSON BROWNING:

What's TA? I'm sorry, I'm drawing a blank on that one.

ASST. COMMISSIONER BARNES:

Temporary Assistance.

COMMISSIONER BLASS:

Temporary Assistance.

CHAIRPERSON BROWNING:

Temporary Assistance, that's right. Okay, so they're a hundred percent funded, but some of them it's dependent on what they do. So if you had eleven Investigators that -- just Medicaid alone and then you hired additional staff to do the TA and the other, I just think it would help them to do more. Okay, you know what? I did the tours of the DSS buildings and I visited with Medicaid. I found out that about 10% of the population of Suffolk County receive Medicaid; am I correct?

COMMISSIONER BLASS:

It's now about eleven, and if you include Child Health Care Plus, which the State administers directly, it would be about 14%.

CHAIRPERSON BROWNING:

That's an amazing number. And then in August you said there was about 6,000 applications just in the month of August.

COMMISSIONER BLASS:

Sixty-six hundred twenty to be exact.

CHAIRPERSON BROWNING:

Okay. How was September; do you have numbers?

COMMISSIONER BLASS:

We don't have September finalized yet. It looks comparable. The first few days of October we've broken 1,200, first four days of October. So we it, we see the results of the State's program and policy really beginning to impact locally.

CHAIRPERSON BROWNING:

Right. But, you know, because what I'm saying is 10% of the population, that's a lot of people, 6,600 in the month of August, you're saying now just the month of October you're 1,200. I mean, somebody comes in and wants to apply for Medicaid, and you have 6,600 people say in the month of August came in, applied for Medicaid. Is there somebody in the beginning stages, obviously, you know, you talked about the cost avoidance. But of the 6,600 when you are going through that application process, how many of them are really being sifted through to see if they're really legitimate? I mean, are you just -- because I'm thinking you're kind of like randomly picking applications unless something really jumps right out at you.

MR. FERRETTI:

Well, like I said, with the Feds program regarding TA assistance, which is more of an exact science because there's an application process, there's an application that's filled out, so it's more conducive to an investigation before the case is opened. With Medicaid and that many cases and the ambiguity of the application process and less information that you can obtain in a short period of time, it's more difficult to do that front end investigation before the case is opened. I think that's one of the reasons Medicaid hasn't jumped on board with the Feds program.

CHAIRPERSON BROWNING:

Because I'm thinking if you had more people to, you know, you would have somebody maybe in your department who could go through every application, you know, but clearly you can't; that's way too many.

MR. FERRETTI:

Again, in this case it's not just the manpower, it's the time consumption. It's getting the information in advance that you need can take lengthy periods of time, bank records and things like that. By that time the case is open, where with a TA case there's an investigation that's done before the case is open. We send Investigators out, they do field work, they verify if there's an absent parent in the household or employment or things of that nature.

COMMISSIONER BLASS:

On the Medicaid provider side, provider fraud side of the situation, we could have 600 Investigators engaged in just the Medicaid provider fraud. The problem lies with OMIG. If you load them up with more submissions, they'll even be slower with us. We only realize a certain return for what we give them, and that's what I mean when I say we have reached the peak efficiency. OMIG has an enormous opportunity with this kind of investigation, and sought the pilot project with the counties to take -- to help them do it because originally provider fraud was only their domain, and it's not working and has enormous potential to work if they would open up and maybe expand their staff. That's where the staff should be expanded, and if they did it then we would make sense to do it, too.

MR. CAMPANELLI:

Some of our audits are ongoing from 4/27 of '09.

CHAIRPERSON BROWNING:

So a year and a half and still no --

MR. CAMPANELLI:

Still no resolution yet.

CHAIRPERSON BROWNING:

Okay, so then on the State level at OMIG they need to change, they need more staff.

(Laughter)

COMMISSIONER BLASS:

Unless he doesn't want to disagree with his fellow Commissioners, right.

(Laughter)

CHAIRPERSON BROWNING:

You know, it just seems to me that with, and especially because there's no means test, I think it just gives more room for fraud, and we can't afford it. Everybody's complaining about the taxes, what we're paying, and the State Government is broke. Yeah, they're broke, they're giving out money for -- oh, no comment. Okay. Well, I appreciate you coming in and giving us this information. And I'm sorry, Commissioner, you did want to mention something else?

COMMISSIONER BLASS:

Thank you, Madam Chairman. I have distributed two documents, one from the County Attorney, one from the provider of the program, that was the subject of Resolution 417 of 2010 that ended the voucher system, which the department has done, which directed the department to develop a comprehensive plan to house homeless sex offenders. That plan has been submitted in the time frame of 30 days. We were a little late with that.

What I'm here to ask is what the provider is asking, and that is that the Legislature give its approval of the submitted program, the only one that we were able to get. And I suggest this because there is no plan until it's validated primarily because Resolution 417 sets some criteria, but the plan that one provider did submit has more than what the resolution prescribed. Because there is additional

features and because of the problem that the provider's having with its own Board of Directors, it is requested that the Legislature initiate a vote of approval.

Now, it's -- we could look at the glass half empty or half full on this, but there is a sincere desire, I think, of everyone concerned to solve this homeless sex offender problem. There's no question about it. And if the Legislature does have it in its mind to vote for approval of the program that the provider has submitted everyone gets on the same page and moves forward. The department does, the Legislature does, the Executive does, the contract provider does. Everyone will be on the same page. That is the sincere basis for this request.

Let me point out two developments and then I'll yield. The first development is when we sent the proposal out to get submitted plans per the resolution, which we've complied with and which we've continued to comply with, only -- out of all the single shelter providers who received the request, and they were the ones with whom we were in contract with so that we didn't have to go through a bidding process. We were able to do that with the ones we were already in contract with. We sent it to about seven or eight of them. Only one came forward with a plan; the others wouldn't. They chose to follow the example that everyone has offered, which is this is an issue we'd rather stay away from.

Now, since the plan that CHI has submitted offers additional components, not only one site per Legislative District, per 417, not only one site per town per 417, not only 24/7 staffing and supervision per 417, but also community governing board, but also a provision for terminating the site if the community governing board finds its operation unsatisfactory, and other features. Because the proposal that's been submitted finally goes beyond what 417 prescribes, the one contractor we have hanging from a string is asking for that kind of support. And remember that contractor has the same kind of problems of the other contractors who did not come forward had, which is a Board of Directors that doesn't want to touch this, that is very reluctant about it.

So with the legislative support that we seek, I ask you to see it as a sincere effort to join together to address what is becoming a very difficult issue. And the second --

P.O. LINDSAY:

I've got to talk.

COMMISSIONER BLASS:

The second point and then I'm done. The second point I want to make is that the trailers now have an occupancy that fills both of them at capacity. We have all 18 beds in the one trailer and all eight beds in the other now being used again. We had no reprieve that we usually have in the summer months when the homeless population goes down. This year we didn't see that in any population, sex offender or otherwise.

We were just given word today that three more sex offenders will be released into homelessness from the jail -- I'm sorry, the State Penal System, who are originally from Suffolk County, and six occupants of non-DSS clients in housing in the Town of Brookhaven are about to be reduced to two because the landlord was told you've got to get rid of four, who will now become homeless because of the Local Law of the town, the town law that says you cannot have more than two registered sex offenders living at the same address. So that is going to bring us above capacity for our trailers and that means motels, which will not take them simply because motels are now by Local Law required to advertise whenever they have homeless sex offenders living there, so no motel is going to take them.

In consequence of that, while government is supposed to be the ultimate solution and while the Department of Social Services is supposed to be the ultimate reprieve for the desperate, we actually have to plead in possibility of performance. The system is falling apart when it comes to this issue

and that's why I'm urging you, mindful -- no one is more mindful than I of the political difficulty that this presents. I appreciate that strongly for all of you. But the point is that without legislative support for where we've come so far, we may very well lose everything and that's my plea to the committee today.

CHAIRPERSON BROWNING:

Go ahead, Bill.

P.O. LINDSAY:

There's no doubt about it that the system is falling apart and the blame for this is the Executive Branch. It's been the blame right from the beginning. When the one responder came forward, CHI, and submitted a proposal, not a plan, not to vote on it, it was a proposal. Every page was marked "confidential" and there was only three copies to my knowledge; one to you, one to me, one to the County Executive. And Newsday called me before I even had a chance to read it. If I was CHI, I would have run out of here, run out of here. It was a proposal. It was done intentionally to sabotage this program, intentionally, because the Executive wants to go back to the voucher system. He wants people in motels.

All this nonsense about notification, about notification, nobody was notified in the neighborhood when they were put in motel rooms, nobody, and that forced the issue about the notification in the motels. So now we've got a dilemma. Two months ago I went and appealed to a family provider to please respond to this. He came forward with a proposal. I was lead to believe that we could get a waiver. That still hasn't been done.

This program was always envisioned to use multiple providers. We talked about this. And now this nonsense that we have to approve the plan. Did we approve a plan for a homeless shelter when you were going to put it in Wyandanch? Did we approve a plan when you instituted the voucher program in motels? Did we approve a plan, this Legislature, when CHI was going to put a single men's shelter in Bayport a couple of years ago? We didn't. So all of a sudden Gail Lolis is making an opinion that this Legislature has to approve a plan. That wasn't in the Legislature, in the legislation that was originally passed, and it has never been the policy of the department before. What this is all about is to make this more confusing, to make it more onerous, that this whole idea falls apart. And I'm not buying it.

COMMISSIONER BLASS:

If I may respond, Mr. Presiding Officer? I fully understand your frustration. I cannot account for how the plan was released beyond the initial three. And I recognize that there have been -- there have been inconsistencies. But I go back to my glass half full/glass half empty theory or metaphor. We can certainly find aggravating aspects and features of what's happened in the past on all sides, I agree with that. But our charge is dealing with a very complicated public policy issue that is now reaching a crisis stage. I would do anything I could to correct the mishaps that you've alluded to and rewrite history, yet looking forward we have a major problem and I don't think I would phrase it as we suddenly have -- where we have to vote. I'm only saying that if we don't have a vote, this process that is so fragile but yet moving forward might fail, but if we did have a vote it might very well succeed. And I urge all of you to recognize that there's a sincere effort to make this work. That has much more to do with the motive behind this request than one pinning on another or any subterfuge or any hidden agenda.

If you look at it on its surface it really is the same as if you look deeply. It will be a catalyst to make this work. It gets everybody on the same page. And, by the way, the other providers are watching this closely, and if they saw the legislative approval come forward in the -- admittedly very difficult vote that we seek, it's very possible, I have reason to believe substantially that other providers will come forward and it won't just be one. But lacking the vote it might not even be one. That's the point I'm trying to make here, that we have a chance to attract more providers, to get

them multiple sites, to have them supervised. All the things that this proposal as a lone proposal offers might actually expand. The vote could help a lot; the failure to vote will not.

P.O. LINDSAY:

The original resolution called for the department to come back with a plan, not a vendor to come in with a proposal. That has never been done, Commissioner. Never been done. If you want, if you want the Department to come back with a plan and for the Legislature to look at it, I'll consider that if you get the second vendor approved like you said you were going to do two months ago.

COMMISSIONER BLASS:

You mean the waiver for the family provider.

P.O. LINDSAY:

Yes, yes.

COMMISSIONER BLASS:

I have to emphasize I can't give waivers.

P.O. LINDSAY:

Well, what can I tell you then? You said you only had one proposal and it was hanging by a string. We got a second vendor, you said that waivers were possible. Let's get the waiver done.

COMMISSIONER BLASS:

Well, they're possible if they go before the Waiver Committee, which I'm not a member of. That's not my decision, the waiver. I have suggested the advisability of a waiver for the second vendor. But again --

P.O. LINDSAY:

So where is it?

COMMISSIONER BLASS:

As I understand, it's still pending. I don't know whether it's going to get on the Waiver Committee's agenda or not.

P.O. LINDSAY:

Well, then we've got a problem.

COMMISSIONER BLASS:

Well, we have a problem, too, with this rising crisis and we have a solution because we might very well get, as I said, more vendors to come forward. They're watching this very closely. It's a very touchy issue, more than just in terms of the relationship between the branches of government. The non-profit community is watching this very closely and if they see everybody on the same page on the County government level, then I can almost guarantee you that they'll come forward. They're waiting in the wings and they are very convinced that much rests on where this goes.

P.O. LINDSAY:

Fulfill the obligation of the resolution and that's for the department to come forward with a plan, not a vendor to present a confidential proposal.

COMMISSIONER BLASS:

But the Department never does housing on its own. Every one of our 52 shelters is operated by a vendor.

P.O. LINDSAY:

We were looking for a plan, not a contract. Do we approve the contracts for any of your 52 shelters? The answer is no.

COMMISSIONER BLASS:

We're not seeking approval of a contract.

P.O. LINDSAY:

You're seeking approval of a plan. Submit the plan.

COMMISSIONER BLASS:

We have.

P.O. LINDSAY:

No, you haven't. You submitted the proposal from a vendor.

COMMISSIONER BLASS:

I respectfully disagree, sir.

P.O. LINDSAY:

Well, I disagree with you.

COMMISSIONER BLASS:

We have submitted what the resolution calls for. We --

P.O. LINDSAY:

Did you stamp every one of those pages confidential?

COMMISSIONER BLASS:

No, I did not do that.

P.O. LINDSAY:

Who did that?

COMMISSIONER BLASS:

That was done by the vendor.

P.O. LINDSAY:

All right. And what was that document that they stamped confidential?

COMMISSIONER BLASS:

What was it?

P.O. LINDSAY:

Yeah.

COMMISSIONER BLASS:

That was their proposal.

P.O. LINDSAY:

A proposal. A proposal.

COMMISSIONER BLASS:

According to 417, which was given to them, the resolution that was adopted by this Legislature which was given to them at the time the proposal was sought, and that's what they submitted.

P.O. LINDSAY:

And that's what they submitted. That isn't a plan from the department. It's a proposal.

COMMISSIONER BLASS:

Could I just ask this. Does it make sense for us to split hairs over what semantics are engaged here? The -- let me finish.

P.O. LINDSAY:

The reason it was made public was to blow it up, and it was emphasized that the vendor would only do it with community support and knowledge. You's have never done that before.

COMMISSIONER BLASS:

No, I don't think it says that. It says that the community support and knowledge of each site would come after the community advisory board and a site was given a chance to start. But again, there are -- we could spend a considerable amount of time finding what went wrong so far. If it really was designed to blow up the vendor's submission, the vendor is still there, albeit barely, but the vendor didn't take that as a blow up and leave. He's still part of the process, and hopefully with his Board of Directors problems will remain there. Where do we go if we don't have a vote and where do we go if we don't have a plan and where do we go if we don't have what we need to have endorsed.

P.O. LINDSAY:

That's a perfect mousetrap that you's built.

COMMISSIONER BLASS:

I come here with a request. I don't come here with a demand, I don't come here with an insistence that or an ultimatum. I am just offering my view to this legislative committee whom I -- for whom I have the highest regard that we now have reached a juncture, a crossroads. That we have a very good chance of making it succeed, but there's also a very good chance that it won't. And if it doesn't, I just had to alert you to what the repercussions are going to be. We're going over capacity and this homeless sex offender population has no support from the State. They're dumping them out on us into homelessness as much as they've ever done it. The problem we have is to all get together, avoid the inclination to suspect or to recriminate and find a way to get it solved. I'm convinced that a vote of the Legislature for the proposal that's submitted will open up a lot of doors.

CHAIRPERSON BROWNING:

Okay. Do me a favor. Hang on, because I'm talking to George here. I'd like him to go back to the resolution, explain what the resolution says. And go ahead, George.

MR. NOLAN:

Well, the original resolution basically terminated the voucher program and directed the Department of Social Services to come up with a new plan to house these people. There were certain guidelines within the bill. There is a subsequent resolution that directed DSS to implement the new plan by October 15th. Gail Lolis has written an opinion saying that further action is required by the County Legislature to implement a plan, and I disagree with that opinion. You know, I just very strongly disagree with that. I don't think we've ever had -- like with the trailers, for example. Nobody brought that to the Legislature before Department of Social Services proceeded with that. Certainly Department of Social Services can move forward without another resolution from the Legislature. I think the legislation that's already been passed is sufficient.

I would also point out, I mean, we haven't seen a resolution from the County Executive on this either. If -- that would seem to be -- if you think that's so important I would think there would be a resolution from the County Executive at the very least.

COMMISSIONER BLASS:

Would Counsel suffer an interruption?

MR. NOLAN:

I'm done.

COMMISSIONER BLASS:

Okay. The trailers were intended to be a stopgap, temporary measure and the plan that the County had was identical to the plan used in 15 to 16 other counties without incident, and that was the voucher plan. That was the plan we had. That plan, by the policymaking body of Suffolk County government, was terminated. We have complied with that. We did go forward to the Legislature and seek approval of the voucher system through the resolution for the petty cash funding and that was denied. We, therefore, had a much slower voucher system until the Resolution 417 with which we've complied.

I don't think you've ever seen any act of bad faith on the part of this Department in this regard or in any other. I would emphasize that there are a number of contracts, of course, that we have not sought legislative input about, but this issue and the way it has evolved and the specialized approach for housing homeless sex offenders can no longer be accomplished by the department on its own. And that's why we've cooperated with what the department has sought to do. Don't forget, it wasn't -- the department did not seek Legislative input on every contract, but certainly we tried to communicate. I've spent many hours before this Legislature, in plenary session as well as in committee, discussing this issue. So I would urge upon you that whatever legal disputes you may find with any opinions that have been issued the bottom line is the vote is essential to the success of moving forward. That's the point I'm trying to make. That's not an ultimatum, that's not a demand, that's not an effort to put anybody on the spot. It's the reality of the situation that I ask you to see in an objective way.

CHAIRPERSON BROWNING:

I guess, Dennis, you are here to say something?

MR. BROWN:

Thank you. Yes, I wanted to expand a little bit upon the opinion that was issued, and I have the highest respect for George. I hope that he does for me and our office as well. I think that we have a mutually good relationship, but we have to say that we disagree with George. Resolution 417, it did say that a program had to be submitted to the Legislature and the subsequent resolution would like to see that program implemented by October 15th. In our view we see that -- there being a gap between what needs to be implemented by October 15th and the submission of a program. We're of the view, we agree with -- we agree with the Commissioner that whether it's called a proposal or a program or a plan, it's that which has been submitted to the Legislature. But absent some type of ratification, acceptance or rejection of what was submitted that the department, the Commissioner, is really without direction to proceed. Now, reasonable minds could differ about what the resolution means, but that's our view.

CHAIRPERSON BROWNING:

Okay, Ben, go ahead.

MR. ZWIRN:

I think part of the reason we're back before the Legislature, in all due respect to the Legislature, and I know there's differences with the County Executive. But the County Executive came up with a

plan, with the trailer plan. That was the original plan and the trailers were in place and the administration took a beating on that publicly. The Commissioner and myself were out in Riverhead on a number of occasions where the people there expressed their displeasure and we understood it. We had them in Westhampton Beach -- in Westhampton and we had them in the trailer at the Riverhead -- at the County Jail. We put them on the grounds of the County Jail and we took a beating. The Legislature told us we've got to get those trailers closed.

We tried to open a third site in East Farmingdale and there were a thousand people that showed up at Farmingdale High School, a thousand people, and this was after they were notified that we weren't going to go ahead with that site. There were a thousand people showed up in anger that we even considered it.

So we moved to another plan and we did it without your approval, but we moved forward because the County had to do something. We went with the voucher system which the Commissioner said is used by over a dozen counties across the State of New York, including Nassau County. So we took the initiative. We took a beating again and the Legislature said, "We don't want to do this, we're not going that way".

So doesn't it make sense for us now to try to work with you to try to come up with something? I think that's what the Commissioner is here doing today. Every time we've come up with an idea it's been unacceptable to the Legislature, which is your prerogative, but you have to help in this process because if we put a shelter or a trailer or some sort of facility in your districts, you're going to object, people in your communities are. I mean, it's just the nature of this particular problem. This is a very difficult problem. We have been supportive when there was a bill --

P.O. LINDSAY:

Yeah, you have been supportive; you have not.

MR. ZWIRN:

But we've been supportive of bills that the Legislature has put forth. We are supportive of Legislator Eddington's proposal that's going to be -- is tabled for a public hearing. And if that passes, and we assume it will, the County Executive will be glad to sign it about notification on a 24-hour basis. He thought it was a good piece of legislation and he is supportive.

We're not objecting to notifying people who live in motels. There are people in your communities who live in motels and they have a right to be notified. It's not a problem that the County Executive created, it's a problem that we have to deal with, but we all have to deal with it. I think the Commissioner has done the best he can with the direction that he's got from the Legislature to come up -- we need your support. If we come up with another plan on our own that's unacceptable we are right back where we started. The trailers are going to have to be closed. What do we do next? You gave us a deadline, and that's a deadline that we may not be able to meet. These people will be roaming around without a voucher, we'll be in violation of State law, we have a real hornet's nest.

So we need your help and I think the Commissioner's done it in a way -- and I know there's bad feelings on all sorts of issues, but this is one that we all have to tackle and it is a near impossible good resolution, no matter what we try to do.

CHAIRPERSON BROWNING:

Bill?

D.P.O. VILORIA-FISHER:

Oh, I'm sorry.

P.O. LINDSAY:

Who released the confidential document proposal to the media? Maybe you could answer that.

MR. ZWIRN:

I have no idea. I really don't know. I really don't. I don't know.

LEG. LINDSAY:

No, no, nobody knows that. But that was the start of submarining this whole thing. You's all know it. Here's what I'll do. Submit a plan to this Legislature, not a confidential proposal, from one of the two vendors that have given you a plan. Comply with 417, comply with it because you haven't done it yet. Get the voucher -- get the second proposal that needs a waiver on the Waiver Committee so that we have two different proposals to look at instead of one. And maybe we could extend the time to closing down -- the implementation and see if we can put this back together again. And I think that's a fair offer.

D.P.O. VILORIA-FISHER:

Madam Chair?

CHAIRPERSON BROWNING:

Vivian.

COMMISSIONER BLASS:

Just one point on the confidential statement that was on each page. That's how we first received it from the provider. I don't think it was intended to stay that way. It should not have been submitted with that still on. We were under the gun time wise, we had just gotten it, and --

P.O. LINDSAY:

Do you think the vendor wanted that turned over to the media before it was even considered by the department?

COMMISSIONER BLASS:

I think that the department --

P.O. LINDSAY:

Probably not.

COMMISSIONER BLASS:

Well, the department considered it and then had to get it to you within that 30 day timeframe. What we should have done was gotten another -- the same proposal from him without that confidential stamp on it. That was -- I think more has been --

P.O. LINDSAY:

No. What the department should have done is comply with the resolution and submit a plan. That's what they should have done and they didn't.

COMMISSIONER BLASS:

That's a point of disagreement that I'm sure we can resolve. But we felt that the proposal was compliance.

P.O. LINDSAY:

Read the legislation. Does the legislation say that we -- that what, we're going to get a proposal from a vendor? It said we wanted a plan from the department.

COMMISSIONER BLASS:

The proposal was submitted as the plan from the Department, but it's not our plan. It's the plan that we need to get validated to be our plan.

P.O. LINDSAY:

We asked to you to design a plan around certain parameters; that's what we asked.

COMMISSIONER BLASS:

We lack the expertise to actually put together all of these details. That's why we needed to go to the vendors. In fact, the plan, the 417 tells us to seek proposals and we did.

P.O. LINDSAY:

Why don't you take the two proposals you have and put together a plan for this Legislature, and then why don't you get, and I'll renew that, why don't you get the waiver process started by the Executive Branch so that we have multiple vendors.

CHAIRPERSON BROWNING:

Vivian?

D.P.O. VILORIA-FISHER:

Ben, I'm looking at Gail Lolis' memo again and I'm wondering if we can take -- if we're looking at the advice of two attorneys, of George Nolan and Gail Lolis, and if we were to look at the intersection of those two pieces of advice, which is if we're getting from the Executive side -- and a decision or an opinion that there should be action, that there should be legislative action, and if the -- if our Counsel is saying well, why doesn't the County Executive introduce a piece of legislation and bring it to us. Wouldn't that be the intersection of these two pieces of lawyerly advice here?

MR. ZWIRN:

Legislator Viloría-Fisher, I think the County Executive would feel that he has done two plans, that the Legislature without having to approve has disapproved and passed legislation that said they're unacceptable. That would be the trailer program and the voucher program. So for the County Executive to keep, you know, doing things on his own, you know, without the Legislature involved --

D.P.O. VILORIA-FISHER:

But this would be working together bringing it before us.

MR. ZWIRN:

But the County Executive put the voucher plan back before, so that's his plan.

D.P.O. VILORIA-FISHER:

But I think you said that he's trying to work together with us and if he were, as our Counsel said, he would bring the idea to us so we can vote on it.

MR. ZWIRN:

I think he would say that I've tried the trailer plan and I took the heat for it. I've tried the voucher plan; I've taken the heat for that. Now I need the Legislature to tell me what will you accept. How many times am I going to have to go back to the drawing boards --

P.O. LINDSAY:

417 we'll accept. We did 417; it has the parameters of the plan.

MR. ZWIRN:

I understand, Presiding Officer. I think --

P.O. LINDSAY:

We just want it implemented.

MR. ZWIRN:

But I think --

D.P.O. VILORIA-FISHER:

But that's the point, Ben. We voted on 417 and it did outline it, as the Presiding Officer has said. All we're asking for is if the -- we're getting this from the Deputy County Attorney and she's advising that there be action and so the County Executive could introduce legislation for us to vote on it.

MR. ZWIRN:

Our dilemma here today is that the Commissioner, and I don't want to put words in his mouth, but he said "Look, the proposal we have is the plan". The Presiding Officer is saying that's not -- that does comply with 417 and that's where we are right at this particular moment. And I don't think we're going to resolve it at the committee here today, but perhaps we can talk further about it in the near future. I know the Presiding Officer has mentioned that perhaps we can move the date back on the closing of the trailers. I think that's something that we -- that the Legislature should consider because I don't know if we can comply at all before that particular date.

P.O. LINDSAY:

There's no date to close the trailers. There's a date to implement the new plan.

COMMISSIONER BLASS:

I would respectfully invite your attention that the fourth RESOLVED clause of 417 does direct the department to seek shelter providers to provide the housing and providers will be responsible for siting. So there is a role for the contract providers in this process. And it was our sincere effort to comply with that, with the request for proposals, obtaining one and submitting that.

P.O. LINDSAY:

Nobody disputes that. That was part of the -- for you to seek providers. But 417 says that the department will come back with a plan.

CHAIRPERSON BROWNING:

Are you done?

D.P.O. VILORIA-FISHER:

No, I'm done.

CHAIRPERSON BROWNING:

Jack.

LEG. EDDINGTON:

As I listen to this, trying to hear a lot more than what's being said, and this to me comes down to a blame game. It looks like the County Executive has taken the blame for two plans that were rejected by the Legislature. He doesn't want to take blame for another plan, so he wants the Legislature to put a plan out that can get a lot of heat and be blamed. It seems like that's what I'm hearing because otherwise, I think Legislator Lindsay has made it very clear what has to be done and that we want the County Executive to submit -- he could do it through legislation -- a plan, but he doesn't want to do that because then we could reject it and he'll get blamed. So that I don't see this being resolved if that's what we're going to be involved in, just trying to make sure that I don't get stuck with another failure or blame. Because you keep saying it, it's all about, you know, meeting the needs, but that's not what I'm hearing. I'm hearing underneath all of that is nobody wants to take the blame for a failed plan, because I think it's pretty easy what you have to do.

You've got to give us a plan for us to look at. I don't see this as rocket science.

COMMISSIONER BLASS:

It's not rocket science. We contend we've submitted one. I was not expecting to hear today that you don't have one. That comes as an unexpected presentation.

LEG. EDDINGTON:

Well, you heard it clear, right?

COMMISSIONER BLASS:

I heard it, but I don't agree with it.

LEG. EDDINGTON:

Yeah, but we're not asking you to agree with us, see that's the point. You're --

COMMISSIONER BLASS:

Yes, but that's what we have to resolve. Because the plan -- the program --

LEG. EDDINGTON:

See, you know, I know you're talking so you can't hear me, but what I'm saying to you, because that's why you're here, is that I think Legislator Lindsay has made it very clear what he wants. But if you're saying, "Well, we don't agree," well then I don't see how you are going to make any progress. You have to come back. Instead of calling it a proposal, call it a plan. How hard is that?

COMMISSIONER BLASS:

But I'm not suggesting that I don't agree with the Presiding Officer or with what you've said. I'm suggesting the part that I don't agree with is a fact pattern that a plan was not submitted. That's something that I think is a very cogent point that has to be addressed, because there is before you a plan, and I repeat that if the Legislature approves it there will be others and we'll have the multiple providers. I don't have any --

LEG. EDDINGTON:

Okay. I guess I don't understand it. See to me, a plan is that you now have a plan and you take action. A proposal is something that comes before you make a decision. So --

COMMISSIONER BLASS:

No, this is very -- I respectfully request your attention to one point. This proposal or program or plan is implementable if we have just one more expression of support. That's not a blame game plan at all or scheme. It's a very simple step to take that I repeat will have significant results.

LEG. EDDINGTON:

So that you can then implement.

COMMISSIONER BLASS:

So you have a contractor who will implement it with us.

MR. ZWIRN:

If I might, Madam Chairman? Just to respond a little bit to Legislature Eddington.

CHAIRPERSON BROWNING:

Can we -- I just want to -- you know, I see Dr. Tomarken sitting here and I don't want to hold him up any more. Is there anybody here who had questions for Dr. Tomarken; is that a yes or no?

LEG. EDDINGTON:

I don't have any.

CHAIRPERSON BROWNING:

You know, I don't want to -- you know, it's like he's sitting here I feel he's better off doing something else than sitting here. It's entirely up to him, but I don't -- okay? Yes? No? No questions?

D.P.O. VILORIA-FISHER:

Right, there are no questions.

LEG. EDDINGTON:

I think we'd all be better off.

CHAIRPERSON BROWNING:

Okay. There won't be any questions for you today. And I know Dominick was here, Ninivaggi. I don't know where he is. I think he might have left. But, Dr. Tomarken, I apologize and thank you for sticking around. Okay, Ben.

MR. ZWIRN:

If I might. When you talk about a blame game, look, I don't see it as a blame game. I see it as taking responsibility for a difficult issue. And in all fairness, the County Executive did that. We came up with a plan originally and we took full responsibility for it. We didn't blame anybody. We took the criticism from the communities and from Legislators but the County Executive did what he thought was right with the trailers. It was unsuccessful in the sense that there was so much opposition when we tried to find a third location that we decided to go in a different direction that had been used by counties elsewhere and we took responsibility for the voucher program, for its success or failure rested with the County Executive because it was his decision. When the Legislature said that's unacceptable, we're here now. You said to come back with a plan.

P.O. LINDSAY:

Would you stop the history lesson. We went over this four times.

MR. ZWIRN:

But your saying it's a blame game. It's not a blame game. The County Executive has taken responsibility from the beginning on this issue, now he needs your help because whatever he has done --

P.O. LINDSAY:

Comply with 417, that's all we ask. Comply with 417, the legislation passed. Live up to the legislation.

CHAIRPERSON BROWNING:

I think we've beat this thing to death. You know, do the waiver, work on the waiver, so we can have more than one applicant. And I don't know what's difficult about it. I mean, we're saying -- you know, it's pretty clear what you are being asked to stay away from residential areas -- you know, I haven't seen a plan. I don't even know what CHI has proposed. I have nothing. None of us have received anything on this, so even if you would submit that, that would be great. So are we done? We're done? Okay, I think we're done. We will move on with the agenda.

Tabled Resolutions

1474, Adopting Local Law No. 2010, A Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility. (Co. Exec.)

LEG. KENNEDY:

Motion to table.

CHAIRPERSON BROWNING:

We had a motion to table --

LEG. EDDINGTON:

Second.

CHAIRPERSON BROWNING:

-- by Legislator Kennedy, second Legislator Eddington. All in favor? Opposed? Abstentions? It's tabled. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

1502, Directing the Department of Social Services to close the sex offender trailers. (Schneiderman)

I'll make a motion to table because clearly we're not ready. Do we have a second on that? Second Legislator -- you did, Bill?

P.O. LINDSAY:

Yes.

CHAIRPERSON BROWNING:

Oh, sorry, Lindsay. All in favor? Opposed? Abstentions? It is tabled. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

1634, Establishing community safeguards from registered sex offenders placed in emergency housing. (Schneiderman)

I'll make a motion to table.

P.O. LINDSAY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Lindsay. All in favor? Opposed? Abstentions? Tabled. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

1820, Appropriating funds in connection with the Stony Brook University Hospital Comprehensive Psychiatric Emergency Program (CP 4018). (Kennedy)

LEG. KENNEDY:

Table.

D.P.O. VILORIA-FISHER:

Wait, are we on the agenda?

CHAIRPERSON BROWNING:

Yes. I thought you were in the back of the room, weren't you? You can include her, she was in the back of the room. Where were we? Okay. Motion to table by the sponsor, Legislator Kennedy. Second Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? It is tabled. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

1842, Amending Resolution No. 417-2010, ending the voucher system and directing the Department of Social Services to develop a comprehensive plan to house homeless sex offenders. (Schneiderman)

Isn't that what the -- the Kennedy one right now?

MR. NOLAN:

This resolution amends the original resolution we've been talking about, 417, to add a RESOLVED clause directing DSS that in implementing the new program the shelters shall be sited maximizing the setback to residential properties to the greatest extent practicable. So that would be an add RESOLVED clause to the original Presiding Officer resolution.

D.P.O. VILORIA-FISHER:

He's amending somebody else's resolution?

MR. NOLAN:

That's correct.

P.O. LINDSAY:

I don't see what it does to the resolution.

MR. NOLAN:

What I just said, it just adds a RESOLVED clause saying that when they site the shelters they're going to place them as far away from residential communities as practicable.

P.O. LINDSAY:

Okay.

CHAIRPERSON BROWNING:

Okay. But I thought, George, it required nonresidential, right?

P.O. LINDSAY:

Right.

CHAIRPERSON BROWNING:

So it's pretty much a --

P.O. LINDSAY:

Just do it.

CHAIRPERSON BROWNING:

Okay. Motion to approve, Legislator Lindsay. I'll second. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

Next one. I think Dominick Ninivaggi was here at one point.

D.P.O. VILORIA-FISHER:

I was just speaking to Dominick a minute ago. He doesn't have a problem with it. He's just concerned if he makes 20,000 calls that he might get 500 calls the next morning. So I said just give him the sponsor's number.

(Laughter)

CHAIRPERSON BROWNING:

Sounds good to me.

D.P.O. VILORIA-FISHER:

Justin would like that.

CHAIRPERSON BROWNING:

1877, Establishing an automated calling police prior to mosquito spraying in Suffolk County. (D'Amaro)

I guess I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

CHAIRPERSON BROWNING:

Second Legislator Muratore. All in favor? Opposed? Abstentions? It's approved. *(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)*

And actually did Dominick leave?

D.P.O. VILORIA-FISHER:

Yes, I think so. Oh, he might still be --

CHAIRPERSON BROWNING:

Is Dominick Ninivaggi still in the room, still in the auditorium anywhere? What did you say?

MR. ZWIRN:

He's outside spraying something.

CHAIRPERSON BROWNING:

Actually I was curious, Ben, maybe you can answer the question. I had to call him, I had to call his office for an issue on spraying and he is the only person in the office. He has no secretary, he had nobody. What's going on in his office? Is he going to get anybody?

MR. ZWIRN:

I think the spraying has finally worked, there's nobody left in the office. No, I'm only -- I don't know why. I don't know, but generally he's the -- if you want to talk to anybody, he's the guy you want to talk to because there's nobody who knows more about -- I mean he is, you know, as long as I have been here --

CHAIRPERSON BROWNING:

I just want to know that he's getting -- he was the one who answered the phone, he's doing his own clerical work from what I understand. Is he going to get some clerical staff?

MR. ZWIRN:

I have to tell you, it's -- in the County Executive's Office -- I know on the eleventh floor we do all our own stuff. All the guys who, you know, you see here in IR do all their own work. I mean, it's just that's the downsizing of government. I don't expect that he'll be getting any more staff, unless it is a compliance with the early retirement program, with the 20% backfill. You can go to the Dennison Building, you will see all the empty desks. It's just --

CHAIRPERSON BROWNING:

He just hired somebody just a couple of weeks ago and I think he hired another person not too long ago, so I don't want to hear about how he's decimated the twelfth floor. No, he hasn't.

MR. ZWIRN:

No, I was saying the eleventh floor.

CHAIRPERSON BROWNING:

The eleventh floor, whatever floor it is, but over there in the ivory tower. Fine. I'll ask Dominick if he has clerical staff.

1878, Adopting Local Law No. 2010, A Local Law to ensure the safe transfer of fuel to boats and watercraft in the Peconic Estuary. (Schneiderman)

D.P.O. VILORIA-FISHER:

Motion to table.

LEG. KENNEDY:

Motion to table.

CHAIRPERSON BROWNING:

Table for public hearing.

MR. NOLAN:

Correct.

CHAIRPERSON BROWNING:

Motion by Legislator Viloría-Fisher, second Legislator Kennedy. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)***
1886, Authorizing a contract amendment to the Youth Development Delinquency Prevention Contract with the Suffolk Y Jewish Community Center. (Co. Exec.)

I'll make a motion to table, second Legislator Eddington. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)***

Introductory Resolutions

1917, Mandating an annual survey of Automated External Defibrillator locations in Suffolk County. (Pres. Off.)

Motion to approve, Legislator Lindsay?

P.O. LINDSAY:

Yes.

CHAIRPERSON BROWNING:

Second Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? It is approved. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

1949, Adopting Local Law -2010, A Local Law to protect children from cadmium poisoning. (Co. Exec)

Table for public hearing, Legislator Viloría-Fisher. I'll second. All in favor? Opposed? Abstentions? It is approved -- tabled for a public hearing. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

1958, Designating October 23-31, 2010 as "Red Ribbon Week" in Suffolk County. (Stern)

Just curious, does anybody know if there's anything else that week?

D.P.O. VILORIA-FISHER:

Probably, but you can have more than one.

CHAIRPERSON BROWNING:

More than one? Okay. It's like -- we get so many weeks for so many things. Okay. I'll make a motion to approve, second Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? It's approved. **(Vote: 6-0-0-0 Presiding Officer Lindsay is included in the vote)**

With that, we are adjourned.

(The meeting was adjourned at 4:43 P.M.)