

Health & Human Services Committee
September 18, 2018
Minutes

Members Present: Committee Chair John Peck, Legislators Allen Drake, James Nabywaniec, Jeremiah Maxon, Robert Ferris, Anthony Doldo, and Board Chair Scott Gray

Others Present: Legislators Robert Cantwell, William Johnson, Michael Montigelli, and Daniel McBride, County Administrator Robert Hagemann, County Attorney David Paulsen, Conf. Asst. for Fiscal Affairs and Information Technology Director Gregory Hudson, Public Health Director Ginger Hall, DSS Commissioner Teresa Gaffney, Insurance Director Lisa Jock, Probation Director Martin Morrison, Treasurer Accountant Anne Converse, Watertown Daily Times Reporter Abraham Kenmore, Confidential Secretary Jill Jones

Chairman Peck called the meeting to order at 6:00 p.m. and offered privilege of the floor, however no one present wished to speak. The Committee approved the July minutes as written.

Chairman Peck introduced a resolution Amending the 2018 County Budget to allocate additional state aid from NYSOMH and to recognize DSRIP funding for the Community Services Department and entertained a motion for consideration. A motion was duly made by Legislator Maxon seconded by Legislator Nabywaniec and there being no discussion, the Committee agreed to sponsor the resolution as presented.

Chairman Peck introduced a resolution amending the 2018 County Budget relative to Veterans Peer Support (P2P) Program and authorizing agreements in relation thereto, and entertained a motion for consideration. A motion was duly made by Legislator Ferris seconded by Legislator Doldo and there being no discussion, the Committee agreed to sponsor the resolution as presented.

Chairman Peck introduced a resolution authorizing the commencement of litigation by Jefferson County for the purpose of recovering costs associated with the provision of public benefits and services associated with opioid abuse and opioid addicted individuals and entertained a motion for consideration. A motion was duly made by Legislator Doldo and seconded by Legislator Ferris.

Legislator Maxon asked if the purpose of the resolution was to sue manufacturers of drugs. Mr. Hagemann confirmed that it authorizes hiring of a firm to represent Jefferson County and directing the County Attorney to move in that direction. County Attorney Paulsen advised that we would be evaluating our damages through the retention of a law firm. Assuming we have cause to bring action, the law firm would then file in one of two courts, some are filing in Federal Court, but most New York State entities are filing in NYS Court. He said most of the cases are then filed in the local Supreme Court and consolidated with other actions now pending in Suffolk

County; a very similar process is occurring in Federal Courts nationwide, they are being consolidated with cases pending in Ohio right now. He said there will be test cases tried in the very near future, and probably depending on how those test cases proceed, there may be prep settlements of the larger group of cases, but some progress between the industry and litigants in terms of resolving all the claims - that would be the larger hope/outline in how it proceeds. He said it is difficult to say because there are so many cases out there right now.

Legislator Ferris understood that this is not part of a class action suit then, it is an individual lawsuit brought by Jefferson County at the local, State level. Chairman Peck advised that Jefferson is one of the last two counties that has not signed on with a law firm that is moving forward with these in State courts, and each county is doing its own lawsuit. Mr. Paulsen confirmed that none of these actions are being brought on a class action basis and he could not speak to precisely why that is, but the determination has been made that it doesn't fit into the characteristics of a class action, so the suits are being brought individually and being handled on a multi-district suit basis. Legislator Ferris asked if we were suing all of the drug companies at one time or each individually. Chairman Peck advised that we would be relying on the expertise of the law firm that the County hires. He said there were two or three that most counties have signed on with, and one in particular that has extensive experience in State and Federal Courts and has been successful in taking these cases to suit in other states. Mr. Paulsen said it would be one suit against all manufacturers and distributors, but we would be limited to those defendants actually doing business in NYS if we file in NYS Court vs. Federal Court.

Legislator Maxon said he is radically opposed to suing manufactures of opioids or anything else in order to recoup funds, and if this resolution was to hire a law firm to sue an ammunition manufacturer, no one would be in favor of it. He stated that the argument that can be made about opioid abuse, can also be made about firearms, alcohol, fast cars, and ammunition. He added that the critical distinction for him is about personal responsibility.

Legislator Doldo said he is glad to see this move forward as the manufacturers do have some responsibility in this. He related a personal experience he had when he underwent back surgery in 2001 and was given Vicodin (300 pills at a time) as it was the best choice for pain meds for that surgery. He stated that no warnings were given to him by the doctor, the pharmacy or listed on the pill bottle about how addictive the medicine was, he found out from another individual who warned him about it. He believed the doctors were misled by the drug manufacturers.

Legislator Mc Bride asked if there was a budget in place for the lawsuit, how long we expect it to last, and how much the County is willing to spend. Mr. Hagemann advised that we are not being charged anything, and if there is a finding of fault then a percentage of the award would go to the law firm. Mr. Paulsen confirmed that it is on a contingency fee basis and the firm is paid by any recovery that is gained; each firm has a different rate, but they are generally in the 25% - 30% range, and it does not require an outlay from the County.

There being no further discussion, the Committee agreed to sponsor the resolution as presented, with Legislator Maxon opposed.

Chairman Peck introduced a resolution amending the 2018 County Budget to recognize DSRIP funding for the Public Health Department and entertained a motion for consideration. A motion was duly made by Legislator Doldo seconded by Legislator Nabywaniec and there being no discussion, the Committee agreed to sponsor the resolution as presented.

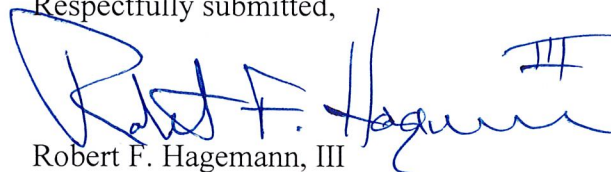
Chairman Peck introduced a resolution establishing charges for certain Public Health services and entertained a motion for consideration. A motion was duly made by Legislator Drake seconded by Legislator Nabywaniec and there being no discussion, the Committee agreed to sponsor the resolution as presented.

Chairman Peck introduced a resolution authorizing agreement with Allscripts ePrescribe and entertained a motion for consideration. A motion was duly made by Legislator Doldo seconded by Legislator Ferris and there being no discussion, the Committee agreed to sponsor the resolution as presented.

Chairman Peck introduced a resolution amending the 2018 County Budget in relation to Department of Social Services - HEAP and entertained a motion for consideration. A motion was duly made by Legislator Drake and seconded by Legislator Ferris. Chairman Peck asked if this increase was to help pay for air conditioning because of the hot summer. Commissioner Gaffney stated that this was not for the cooling season, the State did a second auto pay, which they did mid-year last year for the first time, and it is to capture individuals who opened a case after September, 2017 and did not receive the first auto pay. She said during the budget process they simply forgot to figure it into the budget for it this year. There being no further discussion, the Committee agreed to sponsor the resolution as presented.

There being no further business of the Committee, on a motion by Legislator Ferris seconded by Legislator Maxon and unanimously carried, the meeting was adjourned at 6:17 p.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Robert F. Hagemann, III". The signature is stylized and includes the Roman numeral "III" at the end.

Robert F. Hagemann, III
Clerk of the Board