

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 4, 2003
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chair
Karen Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Michael Hunt, Assistant County Attorney
Robin Platt, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts and David Halstead, Assistant County Administrator

Proof of publication regarding notice of a Special Meeting for the Medical Clinics and Health Related Services was received, having been published in *The St. Augustine Record* on August 25, 2003.

(09/04/03 - 1 - 9:07 a.m.)

Chairman Bryant called the meeting to order.

(09/04/03 - 1 - 9:07 a.m.)

Bryant gave the Invocation and Jacalone led the Pledge of Allegiance.

(09/04/03 - 1 - 9:08 a.m.)

ROLL CALL

Bryant stated that all Commissioners were present, with the exception of Maguire.

(09/04/03 - 1 - 9:08 a.m.)

ADDITIONS/DELETIONS TO THE SPECIAL MEETING AGENDA

Bryant added as Item 3, discussion of a nomination to the Northeast Florida Regional Planning Council.

(09/04/03 - 1 - 9:09 a.m.)

APPROVAL OF THE SPECIAL MEETING AGENDA

Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to approve the Agenda, as amended.

(09/04/03 - 1 - 9:09 a.m.)

1. DISCUSSION AND CONSIDERATION OF REQUEST FOR PROPOSALS (RFPs) FROM INDIVIDUALS, FIRMS, ASSOCIATIONS, GROUPS OR CORPORATIONS THAT ARE QUALIFIED TO BOTH OPERATE ONE OR MORE MEDICAL CLINICS, AND PROVIDE AFFORDABLE AND COMPETENT MEDICAL AND HEALTH-RELATED SERVICES TO THE

RESIDENTS OF ST. JOHNS COUNTY, FLORIDA, AT ONE OR MORE
COUNTY-OWNED OR LEASED FACILITIES

S.S. Marathe, M.D., compared care in the Flagler Hospital Emergency Room with the types of services that are offered at the clinics and reviewed the current level of charity given by the St. Johns County medical community. He outlined the history of the Medical Specialist practice; their Vision Statement and goals; their target population; the operation of, and equipment at, the Clinics; and their plans for a digital and paperless office. He talked about the CAP Grant, the Pharmacy Access Program and he presented letters of recommendation from physicians, and other members of the community, to show their support for keeping Medical Specialist as the operators of the clinics. He addressed the proposed budget for the clinics, with \$1.4 million in funding coming from the County, and other sources of funding.

(9:39 a.m.) Jacalone questioned if the Board was acting on a contract today and Hunt responded that the Board could adopt a new contract, or modify the existing contract. Jacalone also questioned if there was no longer a State Health Department and Marathe replied that the Health Department was still in existence. Discussion followed regarding who was responsible for providing indigent health care, the state or individual counties. Jacalone stated that he had the benefit of being on the Board when the clinics were created, and that Marathe commented that he would need more funding from the County, and that he felt that the clinics had grown into more than was initially planned when they were created. He added that he would be hesitant to approve any more funding for the Primary Care Clinic, over the amount that was approved for the past year. Jacalone stated that he had information that there were days when there was not a physician available at the clinics. Marathe responded that the hours that a physician was not there were compensated for with additional hours at a later time. (9:46 a.m.) Commissioner Bruce Maguire entered the meeting. Jacalone asked that more specific times be set in the contract for when physicians would be present at the clinics. Marathe explained that he was not asking for additional funds, just a reallocation of funds for duplicate services, i.e. possibly combining services with the County doctor. Discussion followed regarding uninsured patients, who should be responsible for those patients, and the hours of operation at the clinics.

(9:52 a.m.) Bryant stated that there was never a question of the quality of service and professionalism with Medical Specialist. The issues were with funding and delivery of service. Bryant explained further that there had not been an increase in funding in the health care area, on the County's part, but that there had been a reallocation of funds as a part of this year's budgetary process. He addressed the hours of operation at the Health Department and the peak hours in the ER. He commented that St. Johns Health Services, Inc.'s main purpose was to administrate the CAP Grant and apply for the HCAP, and that the supervision of the clinics should be by the Community Care Based Program. Discussion followed regarding admission privileges at Flagler Hospital, inpatient follow-up, the operating hours of and the software used at the clinics. Bryant also addressed specific items and expenses, i.e. the number of employees, shown in their projected budget.

(10:04 a.m.) Meiszer commented that the County Health Department was an agency of the State of Florida, not the County. He strongly recommended giving the new Public Health Director an opportunity to review and evaluate the proposals, and make a recommendation to the Board. He addressed the current contract, which is a one-year contract with an option to extend it for a second year, with no automatic renewal. He stated that he was expecting a review of the performance, an evaluation or critique of services, a report on an investigation of any complaints and a determination as to whether the contract was breached in any way. Discussion followed regarding the lack

of a review, when the RFP process was and was not used, the advertising of the RFP and time allowed for respondents. (10:11 a.m.) Joe Burch, Purchasing Manager, stated that he had a copy of the RFP with him if Meiszer wanted to see it. Meiszer continued by stating that he could not find any reason to justify canceling, or not renewing, the contract with Dr. Marathe.

(10:14 a.m.) Bryant explained, and Burch confirmed, that there were no respondents to the initial RFP that was issued to operate the clinic in Hastings. He stated that Dr. Walker formed St. Johns Health Services, Inc. to provide primary care services to the community outside of the public health clinic. Bryant stated that it was decided that the best way to provide primary care was to expand the Public Health Department, but that Dr. Walker did not do that prior to his retiring as Director. He stated further that the Health Department still had not found a replacement for Dr. Walker, and therefore could not go through with an expansion at this time. Bryant commented that the Board was now faced with trying to find the best possible solution to providing primary care to the community, whether it be expanding the Health Department, doing it in house with Community Based Care, or continuing with Dr. Marathe operating the clinics.

(10:22 a.m.) Stern questioned the cost per visit that was indicated on the proposed budget. Marathe replied that the cost per patient would decrease as the volume of patients went up and as some expenses became fixed. Stern also suggested that they try to reduce some of their overhead and expenses. Discussion followed regarding the wait times and hours of operation at the clinics.

(10:27 a.m.) Bryant explained why having an FQHC status was important. One reason being that it would allow one to receive certain grant monies from the Federal Government, and another was that one would be entitled to a higher Medicaid reimbursement rate.

(10:29 a.m.) Marathe stated that if his contract was not renewed, he would like to have at least six weeks notice to notify his patients.

The meeting recessed at 10:30 a.m. and resumed at 10:36 a.m., with Strickland leaving the meeting.

(10:36 a.m.) Dr. Gerald Carver stated that he was making this presentation on behalf of the County, not himself. He addressed the rising costs of healthcare and stated that he had a feasible plan that would help save the County money in the long term. He stated that he would be unencumbered by the need to turn a profit while providing the best care to the residents of the County. He outlined, as illustrated on pages 3 and 4 of his proposal, how the clinics would be run, including the scope of services, location and estimated costs in relation to the clinics. He proposed hiring Dr. Marathe to continue staffing the clinics, and also that the clinics operate 70 hours per week, with seven 10-hour days, to offset the peak hours in the ER. He also suggested contracting with specialists, who would be in the clinics at least once a week, which would include mental health and pediatric care for foster children. He addressed the use of navigators and the sliding fee scale in determining a patient's ability to pay and coordinating demographic and medical information through an integrated information system with each patient being issued an ID card. He stated that the County had the funds available to fund his proposed budget, that was developed by using Dr. Marathe's budget as a guideline.

(10:53 a.m.) Jacalone questioned why there was not an expense shown for malpractice insurance in the budget. Carver explained that if the doctors were County employees

they would be covered under qualified sovereign immunity. Discussion followed on the staffing of the physicians.

(10:56 a.m.) Maguire questioned how the clinics would handle emergency call and why the County was establishing the clinics. Carver explained that the State of Florida mandates primary care, but does not fund it. Discussion continued regarding the hours of operation, chronic, episodic, preventative and other types of care. Dan Bosanko, County Attorney, joined the meeting. Maguire stated that he was concerned that the clinics, and the ID cards, would encourage people not to get insurance and that the clinics would grow to be too big and would put the County in the medical business.

(11:10 a.m.) Stern asked if the physicians who would be contracted to work in the clinics, from Dr. Marathe's group, would also be covered under the qualified sovereign immunity. Carver responded that he thought that could be arranged. Meiszer commented that he thought that the Board needed a better explanation of what qualified sovereign immunity was, as he did not believe that it protected the County from civil suits. It was his opinion that the clinics would see only non-emergency patients, and therefore would not relieve the load of the Emergency Room. Meiszer commented further that the Public Health Department's purpose is to ensure the public's health, with proper sanitation and protection from epidemics, not primary care. (11:16 a.m.) Carver commented that it would take time to train the public to go to the clinics instead of the ER. Bryant stated that 82% of ER visits (the current non-emergency visit rate in the Flagler Hospital ER) could, theoretically, go to the clinics. Discussion followed as to who would be eligible to use the services at the clinics.

(11:22 a.m.) Dan Bosanko, County Attorney, clarified that sovereign immunity would protect the County only, as it is limited to government entities, but would not protect an individual. Qualified immunity would give complete protection to an individual if he or she qualified, however, if the individual did not qualify he or she could be sued. He suggested that additional insurance coverage should be purchased to cover the employees, i.e. physicians at the clinics, but that would also have to be budgeted for.

(11:25 a.m.) Meiszer questioned if a physician who was employed by the County was found guilty of gross negligence, or criminal negligence, would be protected by sovereign immunity. Bosanko responded that sovereign immunity would not protect him at all, and qualified immunity probably would not help either. He pointed out that if the physicians did not carry some kind of insurance, it would increase the County's exposure tremendously.

(11:26 a.m.) Joe Gordy, President of Flagler Hospital, 25 Cincinnati Ave., warned the Board to be careful, as healthcare could become a money pit. He stated that in order for the clinics to succeed they would have to be self-sustaining, which means that they would have to attract people with insurance. He outlined the advantages of having an FQHC classification. He suggested that the best way for these services to get to the community would be for the Health Department to do it as they already have the FQHC status, but that they just would not do it, and that equates to a redundancy of resources. He suggested to "let it ride" with Dr. Marathe, for now. He stated that he was concerned with the patients' continuity of care and that the doctors who treated the patients in the clinics had to be able to admit the patients into the hospital. He pointed out that the peak hours in the ER were from 10 a.m. to 10 p.m.

(11:33 a.m.) Meiszer stated that, in the interim, Dr. Marathe should continue running the clinics and the Board should appoint Dr. Carver to provide the oversight of the clinics.

(11:35 a.m.) Perry Mc Donald, 1080 Alcala Dr., read a statement by Kathryn Brohl, Assistant Director of Planning for the St. Johns County Community Based Care Program, into the record, regarding care for foster children.

(11:36 a.m.) Dr. Eneida Gomez, Medical Director, St. Johns County Mental Health, addressed sovereign immunity for physicians, preventative, primary and secondary health care and hospital admitting privileges.

(11:41 a.m.) Bob Donahue, 247 Shamrock Rd., spoke in favor of renewing Dr. Marathe's contract for another year.

(11:43 a.m.) Helen Tobey, 205 E. Lattin St., Hastings, spoke in favor of keeping Dr. Marathe on as operator of the clinics. Maguire left the meeting.

(11:45 a.m.) Maria Colavito, 104 San Rafael Rd., clarified what Community Based Care was and explained the three principles, or elements, of Community Based Care as accessibility, accountability and collaboration. She stated that the County had put over \$1 million in public funds into the clinics, and therefore there should be public accountability for anyone who receives public money to do an activity on behalf of the public.

(11:53 a.m.) Andi Mariano, 8220 Whitetower Rd., Hastings, an employee at the Hastings Clinic, addressed uninsured patients and continuity of care.

(11:56 a.m.) Bryant explained that the funding that was available for the clinics was \$1,170,245, and asked Dr. Marathe if he thought that he could run the clinics with that funding. Marathe stated that he could probably operate for 60 hours in St. Augustine and 40 hours in Hastings with that funding and discussion followed. Bryant questioned whether Dr. Marathe would be okay with Dr. Carver and the Social Services Department coordinating the oversight of the clinics. Dr. Marathe reluctantly agreed, as he stated that he would rather report directly to St. Johns Health Services, or the Board.

(12:00 p.m.) Stern agreed with Dr. Colavito that there should be accountability and said that she would feel good about continuing with Medical Specialist as the provider, with oversight by Dr. Carver. Dr. Marathe requested that Dr. Colavito also be involved in the oversight.

(12:02 p.m.) Jacalone pointed out that Adams should decide who the overseer should be, as a result of the contract amendment negotiations, subject to approval by the Board.

(12:04 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Maguire absent, to authorize the County Administrator, or his designee, to enter into contract negotiations with Medical Specialist, Inc. and that that contract be brought back to this Board for approval.** Bryant clarified that the amount of funding available was \$1,170,245.

(09/04/03 - 5 - 12:06 p.m.)

2. APPROVAL OF MINUTES

07/25/03 - BCC Special Meeting - Budget Hearing

08/12/03 - BCC Regular Meeting

Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to approve the Minutes.

(09/04/03 - 6 - 12:07 p.m.)

3. DISCUSSION OF A NOMINATION TO THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL

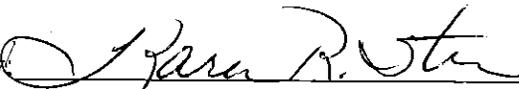
Bryant asked the members of the Board if they had received a form from the Northeast Florida Regional Planning Council, and stated that if anyone had any nominations they could turn them in next Tuesday.

(12:07 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to adjourn.**

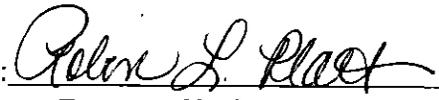
With there being no further business to come before the Board, the meeting adjourned at 12:07 p.m.

Approved _____ November 25, _____, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:  _____
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:  _____
Deputy Clerk

