

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR  
COUNTY MANAGER TO EXECUTE A UNIVERSAL  
SETTLEMENT AGREEMENT, RELEASE, STIPULATIONS OF  
DISCONTINUANCE AND ANY AND ALL OTHER NECESSARY  
ASSOCIATED DOCUMENTS BETWEEN ESSEX COUNTY AND  
THE STATE OF NEW YORK, BY AND THROUGH THE NEW  
YORK STATE DEPARTMENT OF HEALTH, THE OFFICE OF  
MEDICAID INSPECTOR GENERAL AND THE NEW YORK  
STATE DIVISION OF BUDGET RELATIVE TO THE  
SETTLEMENT AND RELEASE BY ESSEX COUNTY OF ALL  
NURSING HOME RATE APPEALS AND LITIGATION  
WHICH ESSEX COUNTY IS OR COULD BE  
A PART OF OR ENTITLED TO**

The following resolution was offered by Supervisor Scozzafava, who moved its adoption.

**WHEREAS**, the State of New York and nursing home representatives agreed in late November of 2015, on the final terms and conditions of a Universal Settlement Agreement of nursing home rate appeals litigation as the same relates to Medicaid Appeals and current Medicaid litigation involving the State and nursing homes with respect to Medicaid rate adjustments; and

**WHEREAS**, the total settlement is in the neighborhood of \$850 million of which is anticipated that the Horace Nye Nursing Home is entitled to approximately \$320,000.00; and

**WHEREAS**, in order to participate in the settlement it is imperative that the Essex County Board of Supervisors authorize the execution of the Universal Settlement Agreement between the State of New York, execute a Release of all pending Medicaid rate reimbursement and litigation and execute any other documents required by the State of New York incident to the Settlement.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to execute a Universal Settlement Agreement between the County of Essex and the State of New York, by and through the New York State Department of Health, the Office of Medicaid Inspector General and the New York State Division of Budget as well as, a Release and Stipulations discontinuing actions and any and all additional documentation that might be required or necessary in order for Essex County to received all or a portion of the anticipated \$320,000.00 in settlement monies relative to the Universal Settlement for Medicaid rate adjustments, Medicaid appeals and litigation; and

***BE IT FURTHER RESOLVED***, that this Board further authorizes the County Chairman or County Manager to enter into any and all escrow agreements that might be required in the event that there is a dispute as to the exact allocation of monies due relative to Medicaid rate litigation, mitigation and reimbursement with Centers for Specialty Care, Essex Centers or Essex Associates relative to the allocation between Essex County and these entities of these settlement monies until such time as a resolution of any distribution and disagreements are resolved.

This resolution was seconded by Supervisor Gilliland, and duly adopted upon a roll-call vote, as follows:

**AYES:           2796 votes**  
**NOES:            0 votes**  
**ABSENT:        125 votes (Ferebee, Miga)**