

**West Volusia Hospital Authority**  
**WVHA BOARD OF COMMISSIONERS REGULAR MEETING**  
**August 15, 2019**  
**5:00 p.m.**  
**DeLand City Hall**  
**120 S. Florida Avenue, DeLand, FL**

**AGENDA**

1. Call to Order
2. Opening Observance followed by a moment of silence
3. Approval of Proposed Agenda
4. Consent Agenda
  - A. Approval of Minutes Budget Workshop Meeting July 18, 2019
  - B. Approval of Minutes Regular Meeting July 18, 2019
5. Citizens Comments
6. Reporting Agenda
  - A. UMR July Report – Written Submission
  - B. FQHC Report, Laurie Asbury, CEO, Northeast Florida Health Services, Inc.  
d/b/a/ Family Health Source (FHS) July Report
    1. Quarterly Pharmacy Audit
  - C. The House Next Door (THND) July HealthCard Report
7. Hospital Quarterly Report
  - A. Advent DeLand – Lorenzo Brown, CEO and/or Kyle Glass, CFO
  - B. Advent Fish memorial – Rob Deininger, President and/or Eric Ostarly, CFO
8. Contractual Utilization Reports to the WVHA Board of Commissioners
  - A. Hispanic Health Initiative, Josephine Mercado, Executive Director
  - B. Community Legal Services of Mid-Florida, Robin Hite, Resource Manager and Grants Manager
9. Discussion Items
  - A. Review Proposed Budget 2019-2020
    1. 2019-2020 CAC Ranking Recommendations
  - B. WVHA Revised Check Signing Schedule 2019 (attached)
  - C. The House Next Door (THND) Budget Increase Request FY 2018-2019  
\$14,000.00
  - D. RAO Budget Increase for Prescreening Services of \$16,688 for fiscal  
year 2018-2019
  - E. Follow Up Items
10. Finance Report
  - A. July Financials
11. Legal Update
12. Commissioner Comments
13. Adjournment

**WEST VOLUSIA HOSPITAL AUTHORITY  
WVHA BOARD OF COMMISSIONERS BUDGET WORKSHOP**

DeLand City Hall  
120 S. Florida Avenue, DeLand, FL  
July 18, 2019  
DeLand, Florida  
4:00 pm

**Those in Attendance:**

Commissioner Judy Craig  
Commissioner Dolores Guzman  
Commissioner Andy Ferrari  
Commissioner John Hill  
Commissioner Voloria Manning

**CAC Present:**

Elmer Holt  
Ann Flowers  
Donna Pepin

**Others Present:**

Attorney for the Authority: Theodore Small, Law Office of Theodore W. Small, P.A.  
Accountant for the Authority: Ron Cantlay, Dreggors, Rigsby & Teal (DRT)  
Administrative Support: Eileen Long, DRT

**Call to Order**

Chair Craig called the meeting to order. The meeting took place at DeLand City Hall in the Commission Chamber, located at 120 S. Florida Ave., DeLand, Florida, having been legally noticed in the Daytona Beach News-Journal, a newspaper of general circulation in Volusia County.

**Approval of Proposed Agenda**

**Motion 063 – 2019** Commissioner Hill motioned to approve the agenda. Commissioner Guzman seconded the motion. The motion passed unanimously.

**Citizens Comments**

There were four.

**Discussion Items**

**Millage Rate – presentation attached**  
**UMR 2019-2020 Budget Forecast**  
**The House Next Door (THND) 2019-2020 Enrollment Forecast**  
**Funding Applications and amounts requested**  
**Emergency Medicine Professionals (EMPros)**

Mr. Ron Cantlay reviewed the rolled-back millage rate presentation at different HealthCard enrollment levels.

Mr. Kyle Glass, CFO, Advent Health DeLand, Mr. Eric Ostarly, CFO, Advent Health Fish Memorial, and Ms. Maureen France, Physician Liaison, EMPros collectively addressed the Board. They advised that they had been in discussions and the hospital representatives suggested that the hospitals retain \$50,000.00 of their approved physician services WVHA budget amount of \$225,000.00 and allow EMPros to contract directly with the WVHA for the remainder amount of \$175,000.00

There was Board discussion to consider budgeting \$50,000.00 for the hospital's physician services, tentatively placing \$175,000.00 in a budget line item in consideration of the EMPros funding request, but keeping consideration in place for EMPros original funding request of \$252,414.00,

Commissioner Hill expressed concern and displeasure over how the hospitals used these WVHA physician services dollars to pay their employed hospitalists rather than paying EMPros.

Commissioner Hill was not in favor of contracting directly with EMPros, but rather wanted the hospitals to reimburse EMPros for their services, and to further go back and remunerate EMPros for the services they provided in the past that did not get compensated.

Chair Craig agreed with Commissioner Hill.

There was Board consent not to fund the SMA Health Services new funding request.

There was Board consent in placing \$35,000.00 in a budget line item in consideration of The Neighborhood Center's new funding request.

There was much Board discussion and consent to adopt the rolled-back rate of 2.0204 during the Regular Meeting that commences upon the conclusion of this Budget Workshop.

### **Commissioner Comments**

There being no further business to come before the Board, the meeting was adjourned.

Adjournment

Judy Craig, Chair

**WEST VOLUSIA HOSPITAL AUTHORITY  
WVHA BOARD OF COMMISSIONERS REGULAR MEETING**

DeLand City Hall  
120 S. Florida Avenue, DeLand, FL  
July 18, 2019  
DeLand, Florida

Commenced upon the conclusion of the Budget Workshop

**Those in Attendance:**

Commissioner Judy Craig  
Commissioner Dolores Guzman  
Commissioner Andy Ferrari  
Commissioner John Hill  
Commissioner Voloria Manning

**CAC Present:**

Elmer Holt  
Ann Flowers  
Donna Pepin

**Others Present:**

Attorney for the Authority: Theodore Small, Law Office of Theodore W. Small, P.A.  
Accountant for the Authority: Ron Cantlay, Dreggors, Rigsby & Teal (DRT)  
Administrative Support: Eileen Long, DRT

**Call to Order**

Chair Craig called the meeting to order. The meeting took place at DeLand City Hall in the Commission Chamber, located at 120 S. Florida Ave., DeLand, Florida, having been legally noticed in the Daytona Beach News-Journal, a newspaper of general circulation in Volusia County. The meeting was opened with The Pledge of Allegiance followed by a moment of silence.

**Approval of Proposed Agenda**

**Motion 064 – 2019** Commissioner Manning motioned to approve the agenda. Commissioner Guzman seconded the motion. The motion passed unanimously.

**Consent Agenda**

**Approval of Minutes Workshop Meeting June 20, 2019**

**Motion 065 – 2019** Commissioner Hill motioned to approve the Minutes of the Workshop of June 20, 2019. Commissioner Guzman seconded the motion. The motion passed unanimously.

**Approval of Joint Meeting Minutes with the CAC June 20, 2019**

**Motion 066 – 2019** Commissioner Guzman motioned to approve the Joint Meeting Minutes with the CAC of June 20, 2019. Commissioner Hill seconded the motion. The motion passed unanimously.

## **Citizens Comments**

There were five.

## **Citizens Advisory Committee (CAC), Elmer Holt, Chair**

### **Reporting Agenda**

**UMR June Report, Donna Lupo, Strategic Account Executive**  
**FQHC Report, Laurie Asbury, CEO, Northeast Florida Health Services, Inc.**  
**d/b/a/ Family Health Source (FHS) June Report**  
**The House Next Door (THND) June HealthCard Report**

Ms. Donna Lupo, Strategic Account Executive addressed the Board and restated UMR's commitment to the Board.

There were questions as to the NEFHS costs for the past two months for their pharmacy versus the significantly reduced amount invoiced to the WVHA as seemingly unsustainable.

Commissioner Hill wanted to know if the visits listed in the NEFHS reports are unduplicated patients and what constitutes a visit?

There was Board direction for Ms. Long to ask Ms. Laurie Asbury, CEO, NEFHS to send an agency representative to the WVHA Board meetings.

There was Board discussion regarding pursuing a Medicaid type benefit plan for the WVHA patient population.

Commissioner Guzman advised the Board that she, along with DRT and Attorney Small have been in negotiations in pursuit of a managed care Medicaid type benefit plan for the WVHA patient population.

### **Contractual Utilization Reports to the WVHA Board of Commissioners** **Steve Parris, Community Health Manager, Halifax Healthy** **Communities-Outreach Program**

Mr. Steve Parris, Community Health Manager, Healthy Communities provided the Board with Healthy Communities prepared utilization report (attached).

### **Gail Hallmon, Operations Director, The House Next Door (THND)-** **Therapeutic Services**

Ms. Gail Hallmon, Operations Director, THND provided the Board with THND's prepared utilization report (attached).

## **Discussion Items**

### **CAC Applicant Jacquie Lewis (application attached)**

**Motion 067 – 2019** Commissioner Guzman motioned to appoint Jacquie Lewis as her CAC member. Commissioner Hill seconded the motion. The motion passed unanimously.

### **Proposed Millage Rate**

Chair Craig read Resolution 2019 – 002 into the public record, adopting the rolled-back mileage rate of 2.0204.

**Motion 068 – 2019** Commissioner Guzman motioned to adopt Resolution 2019 – 002 as read into the public record by Chair Craig, adopting the rolled-back mileage rate of 2.0204. Commissioner Manning seconded the motion.

Roll call:

Commissioner Ferrari	Yes
Commissioner Manning	Yes
Commissioner Guzman	Yes
Commissioner Hill	Yes
Commissioner Craig	Yes

The motion carried by a 5 – 0 vote.

*Commissioner Andy Ferrari exited the meeting at 7:08 p.m.*

### **Rising Against All Odds (RAAO) Site Visit Write Up FYE 2019**

Mr. Cantlay presented the RAAO Site Visit Write Up findings for the Board.

**Site Visits 2018-2019 - DRT Engagement Letter attached**  
**Family Health Source Consolidated Clinics/Pharmacy/OB**  
**Stewart-Marchman-Act (SMA) Baker Act Services**  
**SMA Residential Treatment Bed Services**  
**Healthy Start Coalition of Flagler & Volusia (HSCFV) WIS/NOS**  
**Services and Family Services Coordinator**

**Motion 069 – 2019** Commissioner Guzman motioned to approve the Site Visits for 2018-2019 and the DRT Engagement Letter. Commissioner Hill seconded the motion. The motion carried by a 4-0-1 vote.

### **Follow-Up Items**

**Advent Health DeLand (AHD) and Advent Health Fish Memorial**  
**(AHFM) Status of Future WVHA Funding**

Mr. Eric Ostarly, CFO, AHFM addressed the Board and requested a workshop to be held during September or October of 2019. Mr. Ostarly believed they would be able to make their presentation and hold further discussion all within an hour.

There was Board discussion and consent that this workshop would be held before the WVHA Regular Meeting of October 17, 2019 and commence at 4:00 p.m.

### **Johnson & Blanton Letter of Agreement/Scope of Work**

**Motion 070 – 2019** Commissioner Guzman motioned to approve the Johnson & Blanton Letter of Agreement as presented. Commissioner Manning seconded the motion. The motion carried by a 4-0-1 vote.

Mr. Small reviewed item 2. Contained in the scope of work, “Designate an administrative staff person to approve the lobbyist registration for Johnson & Blanton, LLC” and, as discussed during the pre-meeting it was decided this individual would be Ms. Long.

**Motion 071 – 2019** Commissioner Hill motioned to designate Ms. Long as the administrative staff person to approve the lobbyist registration for Johnson & Blanton, LLC. Commissioner Manning seconded the motion. The motion carried by a 4-0-1 vote.

**Motion 072 – 2019** Commissioner Hill motioned to approve scope of work as presented. Commissioner Guzman seconded the motion. The motion carried by a 4-0-1 vote.

Attorney Small reviewed item 4. Contained in the scope of work, “Designate an individual who will be the key point of contact for Johnson & Blanton, LLC lobbyist to contact and/or consult with when decisions have to be made about legislation or any pertinent matters leading up, during, and after the 2020 Legislative Session”.

**Motion 073 – 2019** Commissioner Guzman motioned to designate Attorney Small as the individual who will be the key point of contact for Johnson & Blanton, LLC lobbyist to contact and/or consult with when decisions have to be made about legislation or any pertinent matters leading up, during, and after the 2020 Legislative Session. Commissioner Manning seconded the motion. The motion carried by a 4-0-1 vote.

### **Finance Report**

Mr. Ron Cantlay, DRT reviewed for the Board the June financial statements (see attached).

**Motion 074 - 2019** Commissioner Guzman motioned to pay the bills totaling \$2,209,850.57. Commissioner Hill seconded the motion. The motion passed 4-0-1.

### **Legal Update**

### **Commissioner Comments**

There being no further business to come before the Board, the meeting was adjourned.

### **Adjournment**

Judy Craig, Chair

4 of 4 pages

July 18, 2019 Regular Meeting



UMR

August 15, 2019

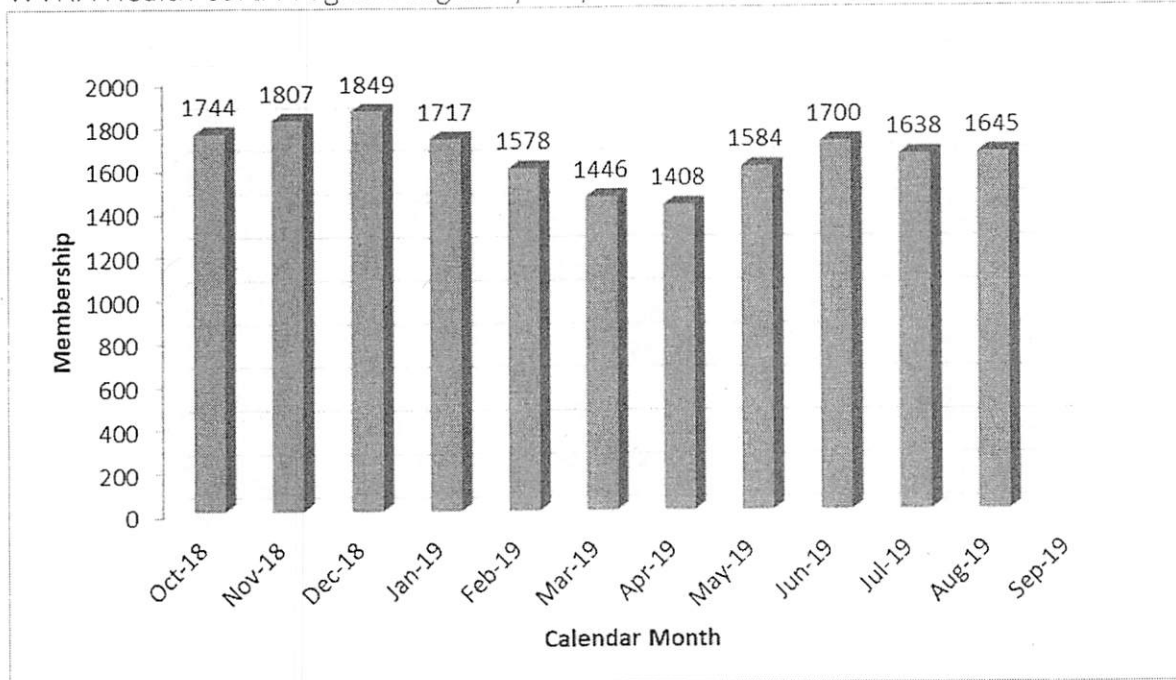
Submission Report for WVHA Board Members



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### WVHA Health Card Program Eligibility – by Calendar Month – as of August 1, 2019



Eligibility reported above reflects eligibility as of the first of each month.

As of August 1, 2019, total program eligibility was 1,645 patients.

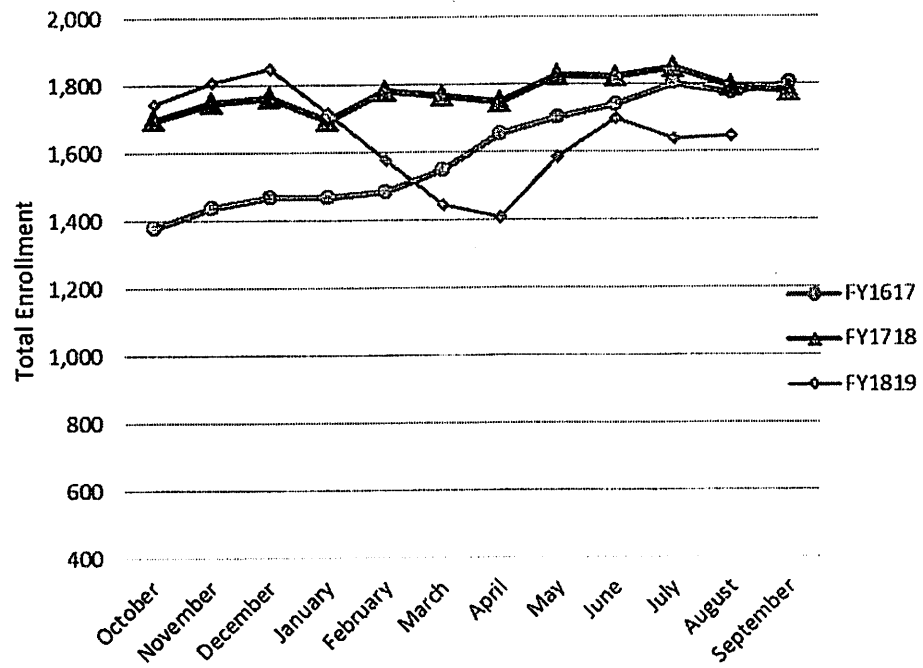
### WVHA Enrollment by Fiscal Year – as of August 1, 2019

#### WVHA Enrollment

#### By Fiscal Year

#### Month of Fiscal Year FY1819

October	1,744
November	1,807
December	1,849
January	1,717
February	1,578
March	1,446
April	1,408
May	1,584
June	1,700
July	1,638
August	1,645
September	
<b>Grand Total</b>	<b>18,116</b>



# WVHA Enrollment by Zip Code – as of August 1, 2019

WVHA Enrollment by Zip Code by Month					
Zip Code	May-19	Jun-19	Jul-19	Aug-19	Sep-19
32102	5	5	5	5	
32130	62	62	53	53	
32180	106	106	97	98	
32190	19	19	20	22	
32706	2	2	2	2	
32713	64	64	60	64	
32720	362	362	327	337	
32721	4	4	3	3	
32724	285	285	286	289	
32725	334	334	336	331	
32728	3	3	3	4	
32732	1	1	0	0	
32738	294	294	288	278	
32744	26	26	25	24	
32753	1	1	1	1	
32759	1	1	1	1	
32763	113	113	112	113	
32764	15	15	15	15	
32774	3	3	2	2	
32762	1	0	0	0	
32763	107	113	112	113	
32764	13	15	15	15	
32774	3	3	2	2	

## Medical and Prescription Drug Claim Data

Pharmacy Claims by Fiscal Year by Service Month (Month Prescription Filled)

	FY1819				
Month	Drug Costs	Dispensing Fee Less Copayments	Total Costs	Total Rx's Filled	Avg Cost Per Rx
October	\$55,005.45	\$7,661.22	\$62,666.67	3,451	\$18.16
November	\$55,658.13	\$7,008.54	\$62,666.67	3,157	\$19.85
December	\$85,000.00	\$4,502.16	\$89,502.16	2,027	\$44.15
January	\$66,232.60	\$4,930.62	\$71,163.22	2,221	\$32.04
February	\$53,124.87	\$5,151.28	\$58,276.15	2,324	\$25.08
March	\$35,517.40	\$4,886.40	\$40,403.80	2,220	\$18.20
April	\$128,722.39	\$5,223.66	\$62,690.09	2,353	\$26.64
May	\$117,732.26	\$5,170.39	\$62,690.09	2,329	\$26.92
June	\$57,473.09	\$5,217.00	\$62,690.09	2,329	\$26.92
July					
August					
September					
Grand Total	\$654,466.19	\$49,751.27	\$572,748.94	22,411	\$25.56

## Combined Medical Costs (as of Claims Payment through 7/31/2019)

Medical and pharmacy costs are reported on a paid basis

Fiscal Year	Hospital	Lab	PCP	Specialty	Facility Physicians	Pharmacy	Total Costs	Member Months	Overall Per Member Per Month (PMPM)	Hospital PMPM	Lab PMPM	PCP PMPM	Specialty PMPM	Pharmacy PMPM
<b>FY1819</b>	<b>\$4,710,044.24</b>	<b>\$352,161.92</b>	<b>\$765,246.45</b>	<b>\$2,695,825.45</b>	<b>\$130,077.98</b>	<b>\$572,748.94</b>	<b>\$9,226,104.98</b>	<b>16,471</b>	<b>\$560.14</b>	<b>\$285.96</b>	<b>\$21.38</b>	<b>\$46.46</b>	<b>\$163.67</b>	<b>\$34.77</b>
October	\$14,319.08	\$64,081.46	\$124,186.81	\$351,047.84	\$0.00	\$62,666.67	\$616,301.86	1,744	\$353.38	\$8.21	\$36.74	\$71.21	\$201.29	\$35.93
November	\$64,583.26	\$26,032.33	\$74,964.35	\$186,963.92	\$0.00	\$62,666.67	\$415,210.53	1,807	\$229.78	\$35.74	\$14.41	\$41.49	\$103.47	\$34.68
December	\$261,035.64	\$65,053.76	\$91,409.27	\$305,262.72	\$0.00	\$89,502.16	\$812,263.55	1,849	\$439.30	\$141.18	\$35.18	\$49.44	\$165.10	\$48.41
January	\$1,068,458.10	\$23,389.99	\$53,066.17	\$287,311.72	\$39,478.62	\$71,163.22	\$1,542,867.82	1,717	\$898.58	\$622.28	\$13.62	\$30.91	\$167.33	\$41.45
February	\$2,464,398.16	\$36,655.51	\$1,991.59	\$287,643.00	\$0.00	\$58,276.15	\$2,848,964.41	1,578	\$1,805.43	\$1,561.72	\$23.23	\$1.26	\$182.28	\$36.93
March	\$385,346.04	\$34,197.22	\$64,117.36	\$250,263.73	\$23,710.35	\$40,403.80	\$798,038.50	1,446	\$551.89	\$266.49	\$23.65	\$44.34	\$173.07	\$27.94
April	-\$301,802.24	\$30,259.72	\$156,056.93	\$250,402.07	\$0.00	\$62,690.09	\$197,606.57	1,408	\$140.35	-\$214.35	\$21.49	\$110.84	\$177.84	\$44.52
May	\$107,230.45	\$28,429.68	\$95,876.69	\$377,100.46	\$44,489.15	\$62,690.09	\$715,816.52	1,584	\$451.90	\$67.70	\$17.95	\$60.53	\$238.07	\$39.58
June	\$335,243.45	\$23,334.37	\$45,521.42	\$186,653.05	\$0.00	\$62,690.09	\$653,442.38	1,700	\$384.38	\$197.20	\$13.73	\$26.78	\$109.80	\$36.88
July	\$311,232.30	\$20,727.88	\$58,055.86	\$213,176.94	\$22,399.86		\$625,592.84	1,638	\$381.92	\$190.01	\$12.65	\$35.44	\$130.14	\$0.00
August							\$0.00							
September							\$0.00							
<b>Grand Total</b>	<b>\$4,710,044.24</b>	<b>\$352,161.92</b>	<b>\$765,246.45</b>	<b>\$2,695,825.45</b>	<b>\$130,077.98</b>	<b>\$572,748.94</b>	<b>\$9,226,104.98</b>	<b>16,471</b>	<b>\$560.14</b>	<b>\$285.96</b>	<b>\$21.38</b>	<b>\$46.46</b>	<b>\$163.67</b>	<b>\$34.77</b>

PCP Encounter Claims by Clinic by Month (as of Claims Payment through 7/31/2019)

Month	FY1819					
	NEFHS Deland	NEFHS Deltona	NEFHS Pierson	NEFHS Stone Street	NEFHS Daytona	Total
October	453	511	158	0	19	1,141
November	274	358	85	0	4	721
December	338	296	121	0	13	768
January	197	233	55	0	11	496
February	33	26	8	0	3	70
March	174	238	103	0	10	525
April	668	634	161	0	17	1,480
May	247	269	67	0	7	590
June	634	643	173	0	15	1,465
July	161	145	63	0	8	377
August						0
September						0
Grand Total	3,179	3,353	994	0	107	7,633

PCP encounter claims are reported on a paid basis

## Specialty Care Services by Specialty – Top 25 (July, 2019)

SPECIALTY CARE SERVICES BY SPECIALTY - TOP 25 FOR JULY					
Order	SPECIALTY	Unique Patients	Claim Volume	Paid	Cost Per Patient
1	Hematology Oncology	23	58	\$ 23,608.07	\$ 407.04
2	Cardiovascular Diseases	21	27	\$ 13,874.93	\$ 513.89
3	Internal Medicine	48	73	\$ 13,706.31	\$ 187.76
4	Physical & Occupational Therapy	40	138	\$ 11,240.14	\$ 81.45
5	Obstetrics & Gynecology	26	29	\$ 11,198.84	\$ 386.17
6	Radiology	181	272	\$ 11,137.32	\$ 40.95
7	Ophthalmology	48	53	\$ 10,629.75	\$ 200.56
8	Oncology	12	29	\$ 9,722.91	\$ 335.27
9	Pulmonary Medicine	28	73	\$ 9,577.36	\$ 131.20
10	Surgery Center	12	13	\$ 8,862.05	\$ 681.70
11	Gastroenterology	42	48	\$ 8,701.58	\$ 181.28
12	Anesthesiology	48	52	\$ 6,939.59	\$ 133.45
13	Pain Management	37	43	\$ 6,928.16	\$ 161.12
14	Orthopedic Surgery	33	51	\$ 6,512.63	\$ 127.70
15	Family Practice	33	54	\$ 4,810.29	\$ 89.08
16	Urology	14	16	\$ 3,371.91	\$ 210.74
17	Podiatry	14	20	\$ 2,577.88	\$ 128.89
18	Nurse Anesthetist	17	18	\$ 2,550.62	\$ 141.70
19	Infectious Diseases	19	23	\$ 2,463.40	\$ 107.10
20	Nurse Practitioner	30	31	\$ 2,393.12	\$ 77.20
21	General Surgery	7	10	\$ 1,911.86	\$ 191.19
22	Counselor / Therapist	18	24	\$ 1,805.78	\$ 75.24
23	Optometry	16	19	\$ 1,711.01	\$ 90.05
24	Nephrology	10	34	\$ 1,637.23	\$ 48.15
25	Neurology	15	16	\$ 1,430.68	\$ 89.42

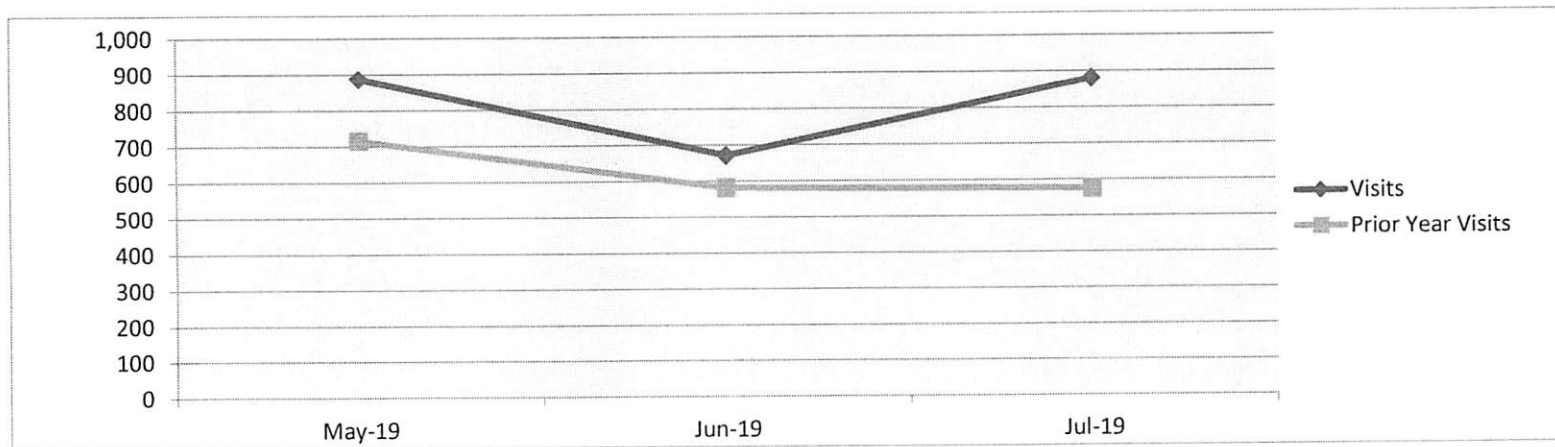




Northeast Florida Health Services  
July-19

Patient Visits

	May-19	Jun-19	Jul-19
Visits	886	671	880
Prior Year Visits	716	582	576

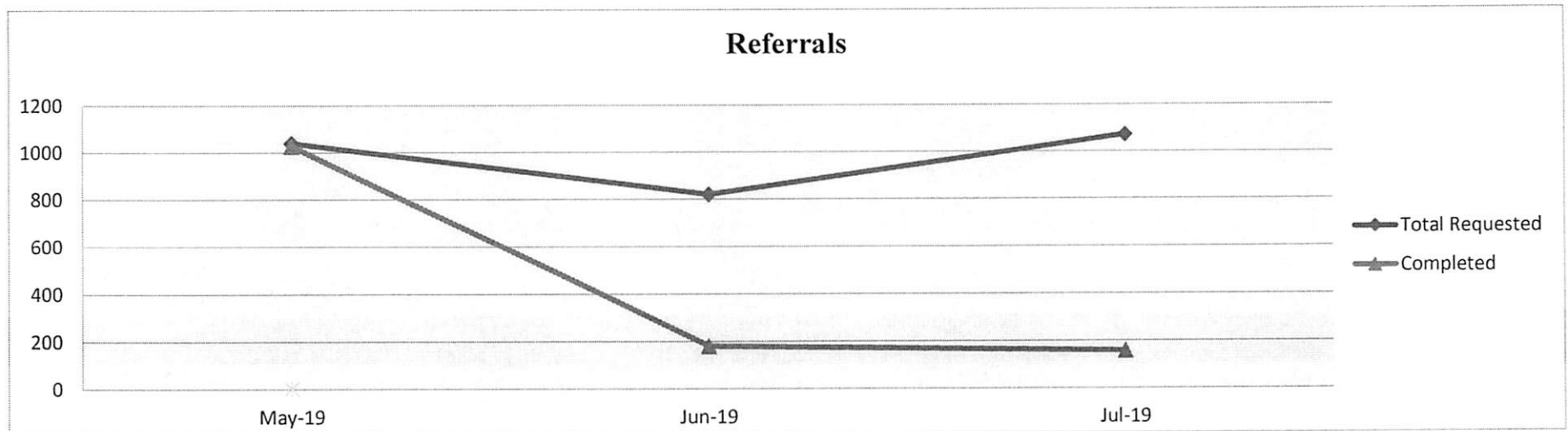


Patient Visits by Location

Location	May-19	Jun-19	Jul-19
Deland Medical	381	315	410
Deltona Medical	378	233	325
Pierson Medical	119	114	133
Daytona	8	9	12
Total	886	671	880

### Referrals

	May-19	Jun-19	Jul-19
NEFHS Providers (Referred by NEFHS Provider)	185	106	126
Specialty Providers (Referred by Specialist)	854	714	945
Total	1039	820	1071
Outstanding NEFHS Providers	3	83	110
Outstanding Speciality	10	557	802
Completed	1026	180	159
Total Requested	1039	820	1071



1 NEFHS provider referrals generated by NEFHS PCP.

2 Specialty provider referrals generated by Specialist.

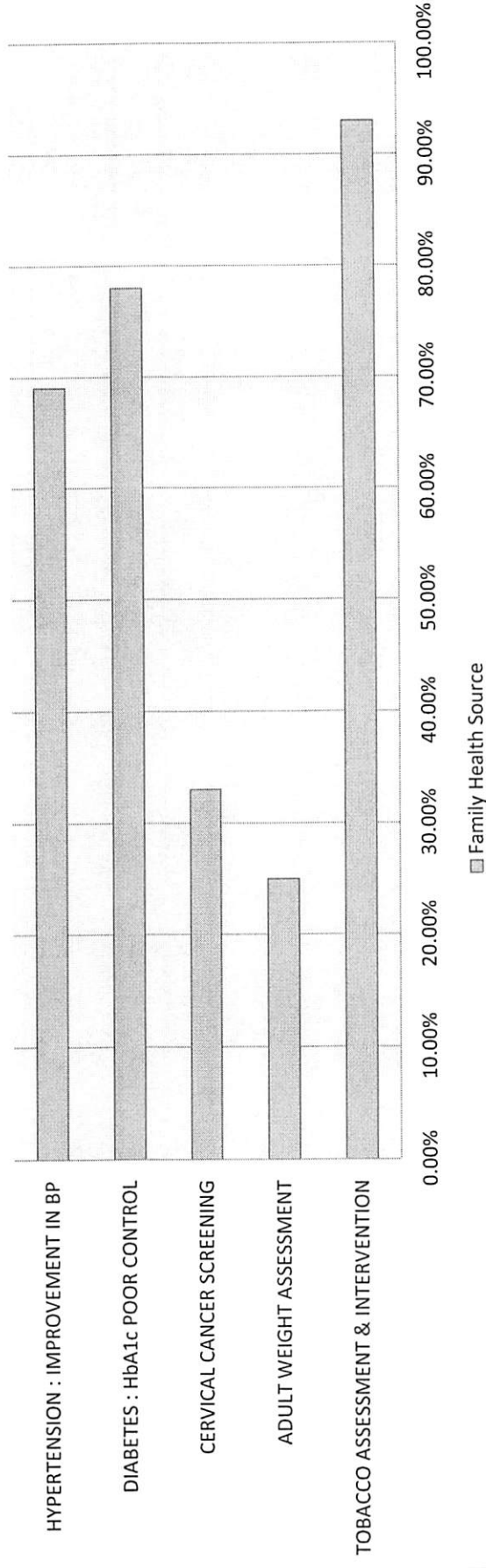
### Appointment Times

Location	Provider	Appointments
Daytona	Johnson	Same Day
Daytona	Fuller	Same Day
DeLand	Sauls	Same Day
DeLand	Fabian	Same Day
DeLand	Smith	Same Day
DeLand	Hoblick	Same Day
DeLand	Sanchez	Same Day
DeLand	Vasanji	Same Day
DeLtona	Brown	Same Day
DeLtona	Rodriguez	Same Day
DeLtona	Mancini	Same Day
Pierson	Roberson	Same Day
Pierson	Mattis	Same Day

## UDS Measures

Clinical Measures for the month of May 2019	Family Health
TOBACCO ASSESSMENT & INTERVENTION	93.00%
ADULT WEIGHT ASSESSMENT	25.00%
CERVICAL CANCER SCREENING	33.00%
DIABETES : HbA1c POOR CONTROL	78.00%
HYPERTENSION : IMPROVEMENT IN BP	69.00%

## UDS Measurements



### Pierson

216 N. Frederick St.  
Pierson, FL 32180  
(386) 749-9449  
Fax: (386) 749-9447

### Deltona

2160 Howland Blvd.  
Deltona, FL 32738  
(386) 532-0515  
Fax: (386) 532-0516

### DeLand

844 W. Plymouth Ave.  
DeLand, FL 32720  
(386) 738-2422  
Fax: (386) 738-2423

### Daytona

801 Beville Rd.  
Daytona Beach, FL 32119  
(386) 267-6214  
Fax: (386) 999-0414

### Pediatrics

500 W. Plymouth Ave.  
DeLand, FL 32720  
(386) 736-7933  
Fax: (386) 736-7934

### Pharmacy

1205 S. Woodland Blvd.  
Ste. 5  
DeLand, FL 32720  
(386) 868-4912  
Fax: (386) 269-9950

### Administration

1205 S. Woodland Blvd.  
DeLand, FL 32720  
(386) 202-6025  
Fax: (386) 269-4149



"GROWING WELLNESS IN OUR COMMUNITIES"

## WVHA Prescription Audit- April 2019- June-2019

	April-19	May-19	June-19	Total
Total Scripts:	2260	2384	2039	6683
Script Sample:	20	20	20	60
Specialist Scripts:	3	5	1	9
Total Acute Scripts:	5	6	4	15
Total Chronic Scripts:	12	9	15	36
Total Rx filled correctly:	20	20	20	60
Total Scripts filled in error:	0	0	0	0

\*All 36 chronic scripts written and filled for 90 days or more

[www.familyhealthsource.org](http://www.familyhealthsource.org)

Non-Profit Federally Qualified Health Center of Northeast Florida Health Services, Inc.



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DeLand, FL 32720  
Counseling: 386-738-9169  
Programs: 386-734-2236  
386-943-8823 (fax)

Deltona Counseling  
Center 840 Deltona  
Blvd., Suite K Deltona,  
FL 32725  
Counseling and Programs:  
386-860-1776  
386-860-6006 (fax)

Flagler Counseling  
Center  
25 N Old Kings Road #7B  
Palm Coast, FL 32137  
386-738-9169  
386-943-8823

S. Daytona Counseling Center  
1000 Big Tree  
Road Daytona  
Beach, FL  
32114 386-301-  
4073  
386-492-7638 (fax)



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August 3, 2019

West Volusia Hospital Authority

## Monthly Enrollment Report

In the month of July there were 314 appointments to assist with new applications and 77 appointments to assist with pended applications from April for a total of 391 face to face contact with clients.

314 applications were submitted for verification and enrollment. Of these, 312 were processed by the end of the month (includes the roll overs from previous month) leaving the balance of 29 to roll over into August for approval.

Of the 312 that were processed, 253 were approved and 32 were denied. The remaining 27 were pended and letters were sent out to the clients.

Currently applications are being processed, approved and the client enrolled in 7 business days. Please note it takes up to five days once we enter the data into the UMR system for the client to be enrolled.

Respectfully submitted by Gail Hallmon

**West Volusia Hospital Authority  
Initial Budget Presentation**

	Annual Budget 2018-2019	Projected Actual 2018-2019	Requested/ Anticipated 2019-2020	Using UMR PMPM Cost (Primary & Specialty Care) or 2019 PMPM experienced rate where applicable		
Estimated Enrollment used for Specialty & Primary Care		1650	1900	1900	1800	1700
<b>Revenue</b>				2.0204 Mills	1.9850 Mills	1.9450 Mills
Ad Valorem Taxes -2020 rolled-back rate-2.0204	20,194,000	20,220,584	20,490,000	20,490,000	20,130,000	19,725,000
Investment Income	55,000	130,000	135,000	135,000	135,000	135,000
Rental Income	70,968	70,968	71,988	71,988	71,988	71,988
Other Income	0					
<b>Total Revenue</b>	<b>20,319,968</b>	<b>20,421,552</b>	<b>20,696,988</b>	<b>20,696,988</b>	<b>20,336,988</b>	<b>19,931,988</b>
<b>Healthcare Expenditures</b>						
Advent Hospitals	5,598,544	5,598,544	5,679,295	5,679,295	5,679,295	5,679,295
Advent Physicians	225,000	161,517	225,000	225,000	225,000	225,000
Northeast Florida Health Services	1,932,281	1,654,341	2,187,941	1,869,600	1,771,200	1,672,800
Specialty Care	4,375,000	3,241,480	3,732,000	4,332,000	4,104,000	3,876,000
County Medicaid Reimbursement	2,385,000	2,351,597	2,660,000	2,660,000	2,660,000	2,660,000
The House Next Door	120,000	89,985	120,000	103,619	98,166	92,712
The Neighborhood Center	70,000	70,000	100,000	80,606	76,364	72,121
Community Life Center Outreach Services	20,000	733	-	-	-	-
Rising Against All Odds	235,000	176,112	235,000	202,796	192,122	181,449
Community Legal Services	76,931	68,847	86,627	79,278	75,105	70,933
Hispanic Health Initiatives	75,000	75,000	100,000	86,364	81,818	77,273
Florida Dept of Health Dental Svcs	200,000	200,000	228,000	228,000	228,000	228,000
Good Samaritan	60,000					
Stewart Marchman - Baker Act	300,000	300,000	300,000	300,000	300,000	300,000
Stewart Marchman - Treatment	550,000	550,000	550,000	550,000	550,000	550,000
Stewart Marchman - Homeless	75,336	75,336	125,000	125,000	125,000	125,000
Health Start Coalition - Outreach	73,500	51,503	73,500	59,306	56,185	53,063
Health Start Coalition - Family Services	68,859	68,859	68,859	68,859	68,859	68,859
New Applicants						
Emergency Medicine Professionals			252,414	252,414	252,414	252,414
SMA Medication Assisted Treatment			208,631	208,631	208,631	208,631
TNC Healthcare Navigation Program			50,000	50,000	50,000	50,000
H C R A -In County	400,000	225,916	400,000	400,000	400,000	400,000
H C R A	419,612	68,859	419,162	419,162	419,162	419,162
Other Healthcare Costs	888,412		300,000	300,000	300,000	300,000
<b>Total Healthcare Expenditures</b>	<b>18,148,475</b>	<b>15,028,629</b>	<b>18,101,429</b>	<b>18,279,930</b>	<b>17,921,321</b>	<b>17,562,712</b>

**West Volusia Hospital Authority  
Initial Budget Presentation**

	Annual Budget 2018-2019	Projected Actual 2018-2019	Requested/ Anticipated 2019-2020	Using UMR PMPM Cost (Primary & Specialty Care) or 2019 PMPM experienced rate where applicable		
Estimated Enrollment used for Specialty & Primary Care		1650	1900	1900	1800	1700
<b>Other Expenditures</b>						
Advertising	5,000	6,239	6,800	6,800	6,800	6,800
Annual Independent Audit	16,000	16,100	16,400	16,400	16,400	16,400
Building & Office Costs	6,500	3,929	6,500	6,500	6,500	6,500
General Accounting	68,100	57,745	68,100	68,100	68,100	68,100
General Administrative	65,100	47,031	65,100	65,100	65,100	65,100
Legal Counsel	70,000	53,427	70,000	70,000	70,000	70,000
Special Accounting	5,000		5,000	5,000	5,000	5,000
City of DeLand Tax Increment District	100,000	64,625	100,000	100,000	100,000	100,000
Tax Collector & Appraiser Fee	603,880	700,000	700,000	700,000	700,000	700,000
Legislative Consulting			60,000	60,000	60,000	60,000
TPA Services	500,000	576,577	663,938	663,938	628,993	594,049
Eligibility / Enrollment	30,000	5,628				
Healthy Communities	72,036	61,971	74,363	74,363	74,363	74,363
Application Screening - THND	317,872	271,975	391,062	313,183	296,700	280,216
Application Screening - RAAO	34,005	34,005	55,296	39,157	37,096	35,035
Application Screening - SMA	3,000	112	1,000	129	122	115
Workers Compensation Claims	25,000	13,429	25,000	25,000	25,000	25,000
Other Operating Expenditures	250,000	5,060	250,000	250,000	250,000	250,000
<b>Total Other Expenditures</b>	<b>2,171,493</b>	<b>1,917,852</b>	<b>2,558,559</b>	<b>2,463,670</b>	<b>2,410,175</b>	<b>2,356,680</b>
 Total Expenditures	 20,319,968	 16,946,482	 20,659,988	 20,743,600	 20,331,496	 19,919,392
 Excess (Deficit)	 0	 3,475,070	 37,000	 -46,612	 5,492	 12,596



**WVHA Funding Applicants 2019-2020**

**CAC Member/Ranking A) Fund this applicants at 100%, B) Not Fund this applicant, or C) Fund this applicant but not at the requested amount but fund at the amount of \$ (see attached completed ranking sheets with CAC**

	<b>Funds Requested</b>	<b>Althea Whittaker</b>	<b>Ann Flowers</b>	<b>Jenneffer Pulapaka</b>	<b>Sarah Prado</b>	<b>Alissa Lapinsky</b>	<b>Donna Pepin</b>	<b>Linda White</b>	<b>Elmer Holt</b>	<b>Lynn Hoganson</b>
Florida Department of Health	\$228,000.00	A) \$228,000	C) \$175,000	B) \$0.00	Absent/Vex cused	A) \$228,000	A) \$228,000	C) \$200,000	C) \$218,000	A) \$228,000
The House Next Door	\$120,000.00	A) \$120,000	A) \$120,000	A) \$120,000		A) \$120,000	A) \$120,000	A) \$120,000	A) \$120,000	A) \$120,000
Rising Against All Odds	\$235,000.00	A) \$235,000	C) \$200,000	A) \$235,000		A) \$235,000	A) \$235,000	C) \$154,700	A) \$235,000	A) \$235,000
SMA Baker Act	\$300,000.00	A) \$300,000	A) \$300,000	A) \$300,000		A) \$300,000	A) \$300,000	A) \$300,000	A) \$300,000	A) \$300,000
SMA Pyschiatric Services to Homeless	\$126,000.00	C) \$88,200	C) \$70,000	C) \$78,336		A) \$126,000	A) \$126,000	C) 78,336	C) \$85,336	A) \$126,000
SMA Residential Services	\$550,000.00	A) \$550,000	C) \$500,000	A) \$550,000		A) \$550,000	A) \$550,000	A) \$550,000	A) \$550,000	A) \$550,000
The Neighborhood Center (TNC)	\$100,000.00	A) \$100,000	C) \$65,000	A) \$100,000		A) \$100,000	A) \$100,000	C) \$70,000	C) \$78,000	A) \$100,000
Hispanic Health Initiative	\$100,000.00	C) \$75,000	C) \$75,000	B) \$0.00		C) \$75,000	C) \$75,000	C) \$50,000	C) \$83,000	C) \$75,000
Community Legal Services of Mid-Florida	\$86,627.00	A) \$86,627	C) \$75,000	B) \$0.00		A) \$86,627	C) \$76,931	C) 76,931	C) \$81,431	A) \$86,627
Healthy Start Coalition of Flagler & Volusia (HSCFV)	\$68,859.00	A) \$68,859	A) 68,859	A) \$68,859		A) \$68,859	A) \$68,859	A) \$68,859	A) \$68,859	A) \$68,859
HSCFV WIS/NOS	\$73,500.00	A) \$73,500	A) \$73,500	A) \$73,500		A) \$73,500	A) \$73,500	A) \$73,500	A) \$73,500	A) \$73,500
<b>WVHA New Funding Applicants 2019-2020</b>										
Emergency Medicine Professionals	\$252,414.00	B) \$0.00	B) \$0.00	A) \$252,414		B) \$0.00	B) \$0.00	B) \$0.00	B) \$0.00	B) \$0.00
SMA Medication Assisted Treatment	\$208,631.00	B) \$0.00	B) \$0.00	B) \$0.00		B) \$0.00	A) \$208,631	C) \$105,000	B) \$0.00	A) \$208,631
TNC Healthcare Navigation Program	\$50,000.00	B) \$0.00	C) \$40,000	B) \$0.00		A) \$50,000	A) \$50,000	C) \$25,000	B) \$0.00	A) \$50,000

# **Tenatative schedule for bi- monthly accounts payables**

## **SCHEDULE FOR 2019**

<b>MONTH</b>	<b>COMMISSIONERS</b>	<b>MONTH</b>	<b>COMMISSIONERS</b>
<b>JANUARY</b>		<b>AUGUST</b>	
THURS 1/10	FERRARI/SHEPARD	THURS 8/8	SHEPARD/HILL
<b>Board Meeting 1/17/2019</b>		<b>Board Meeting 8/15/2019</b>	
THURS 1/31	SHEPARD/HILL	THURS 8/29	HILL/GUZMAN
<b>FEBRUARY</b>		<b>SEPTEMBER</b>	
THURS 2/14	HILL/GUZMAN	THURS 9/12	GUZMAN/FERRARI
<b>Board meeting 2/21/2019</b>		THURS 9/26	FERRARI/MANNING
<b>MARCH</b>		<b>OCTOBER</b>	
THURS 3/7	GUZMAN/FERRARI	THURS 10/10	MANNING/HILL
<b>Board Meeting 3/21/2019</b>		<b>Board Meeting 10/17/2019</b>	
<b>APRIL</b>		THURS 10/31	HILL/GUZMAN
THURS 4/4	FERRARI/SHEPARD	<b>NOVEMBER</b>	
<b>Board Meeting 4/18/2019</b>		<b>Board Meeting 11/14/2019</b>	
<b>MAY</b>		<b>THANKSGIVING</b>	
THURS 5/2	SHEPARD/HILL	THURS 11/28	GUZMAN/FERRARI
<b>Board Meeting 5/16/2019</b>		<b>DECEMBER</b>	
THURS 5/30	HILL/GUZMAN	THURS 12/12	FERRARI/MANNING
<b>JUNE</b>		<b>CHRISTMAS &amp; NEW YEARS</b>	
THURS 6/13	GUZMAN/FERRARI	<b>NO PAYABLES UNTIL THURSDAY 1/9/2020</b>	
<b>Board Meeting 6/20/2019</b>		<b>2020</b>	
<b>JULY</b>		<b>JANUARY</b>	
<b>JULY 4TH HOLIDAY SCHEDULING</b>		THURS 1/9	MANNING/HILL
THURS 7/11	FERRARI/SHEPARD	<b>Board Meeting 1/16/2020</b>	
<b>Board Meeting 7/18/2019</b>			



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S. Daytona Counseling Center  
1000 Big Tree  
Road Daytona  
Beach, FL 32114  
386-301-4073  
386-492-7638 (fax)



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## Health Card Enrollment June 20, 2019

**Contracted amount: \$317,812.00**

### Terms of Contract:

#### Budget:

\*Budget is for 12 months of screening services (October – September) and 9 months (January – September) of approval process and provides for 250 applications per month. Any additional application will be processed at a cost of \$18 each *(taken from proposal submitted and approved)*.

#### Concern:

It was HND's intent that the proposed amount would cover 250 applications within the month. We agreed that if we processed less than 250, we would reduce the monthly amount by \$18 for each application under the 250. It was our expectation that if we did not average 250 monthly, we would not pull down all of the funds. If on the other hand, we exceeded the average of 250 monthly we would be compensated at \$18 for each number over.

We now realize that our contract is actually capped at the \$317,812 and for the last few months we have been above the 250 applications, thereby drawing down the funds quicker. Projecting out with the numbers we have served in the last three months we will fall around \$14,000 short by the end of the contract.

Total Billed through May	\$203,980.64
Remaining Balance	\$113,831.36





Wednesday, May 15, 2019

West Volusia Hospital Authority  
c/o Dreggors, Rigsby & Teal, P.A.  
1006 N Woodland Blvd #A  
DeLand, FL 32720

Dear West Volusia Hospital Authority Board of Commissioners,

The West Volusia Hospital Authority (WVHA) tasked Rising Against All Odds, Inc. (RAAO) to assist with processing and pre-screening WVHA Health Card applications beginning in 2014. Today, RAAO has been successful in this program, serving the homeless and hard to reach populations and is, thereby, exceeding allocated funding for the Health Card pre-screening program. For the period of October 1 to April 30, 2019, RAAO pre-screened an average of 22 applications per month. Using this number, RAAO anticipates a total of 264 applications pre-screened and submitted for the current funding year. RAAO was funded \$34,000 for the Health Card pre-screening program in 2018-2019, which was the same funding amount as the preceding year, compensating for only 177 applications.

Due to the success in reaching hard-to-reach indigent individuals, RAAO has projected a deficit and will exhaust the current funds sometime in July 2019. RAAO has been consistently underfunded for the Health Card program, according to the Funding Agreement. Because of the number of pre-screening performed, RAAO was required to reimburse the WVHA for an overpayment for the 2017-2018 funding year.

RAAO is committed to the communities we serve and will continue to do so, however, this funding is imperative to the continued success of RAAO's unique service to the hard-to-reach indigent and homeless communities. It is a service no other funded agency provides.

These underserved clients are destitute, sick and in need of care. RAAO coordinates transportation and care provided by Family Health Source, Stewart-Marchman Behavioral Health and other community agencies. RAAO encourages healthy habits, including access to the WVHA health card, in the event the individual does not qualify for Medicaid or the Affordable Care Act. Many of these uninsured individuals have untreated chronic conditions and will deteriorate, resulting in excess visits to the Emergency Department at an average cost of \$4,232<sup>1</sup> per person, thus, increasing the burden on West Volusia taxpayers. Diverting these hard-to-reach clients to the WVHA Health Card and ensuring continuity of care prevents needless Emergency Department visits.

At this time, RAAO would like to request that the WVHA Board of Commissioners resolve this deficit by increasing the funds for the current funding year by \$16,688. This increase in funding will allow RAAO to continue a high level of quality pre-screened applications and further reduce costs to the taxing authority and taxpayers.

Respectfully,

*Brenda V. Flowers-Dalley*

Brenda Flowers-Dalley, CEO

o: (386) 202-4209

m: (386) 215-7881

e: [bdalley@risingagainstallodds.com](mailto:bdalley@risingagainstallodds.com)

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<sup>1</sup> Floridahealthfinder.gov. (2017). *FloridaHealthFinder*. [online] Available at: <https://www.floridahealthfinder.gov/QueryTool/QTResults.aspx?T=E> [Accessed 9 May 2019].

**West Volusia Hospital Authority  
Financial Statements  
July 31, 2019**



Dreggors, Rigsby & Teal, P.A.

*Advisors for Life*

Certified Public Accountant | Registered Investment Advisor

1006 N. Woodland Boulevard ■ DeLand, FL 32720

(386) 734-9441 ■ [www.drtcpa.com](http://www.drtcpa.com)

Ronald J. Cantlay, CPA/CFP®

James H. Dreggors, CPA

Victoria A. Kizma, CPA

Robin C. Lennon, CPA

John A. Powers, CPA

Ann J. Rigsby, CPA/PFS/CFP®

Melissa J. Trickey, CPA

To the Board of Commissioners  
West Volusia Hospital Authority  
P. O. Box 940  
DeLand, FL 32720-0940

Management is responsible for the accompanying balance sheet (modified cash basis) of West Volusia Hospital Authority, as of July 31, 2019 and the related statement of revenues and expenditures - budget and actual (modified cash basis) for the month then ended and year-to-date, in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

The accompanying supplemental information contained in Schedules I and II is presented for purposes of additional analysis and is not a required part of the basic financial statements. This information is the representation of management. The information was subject to our compilation engagement; however, we have not audited or reviewed the supplementary information and, accordingly, do not express an opinion, a conclusion, nor provide any assurance on such supplementary information.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Authority's financial position, results of operations, and cash flows. Accordingly, the financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to West Volusia Hospital Authority.

*Dreggors, Rigsby & Teal, P.A.*

Dreggors, Rigsby & Teal, P.A.  
Certified Public Accountants  
DeLand, FL

August 05, 2019

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**West Volusia Hospital Authority**  
**Balance Sheet**  
**Modified Cash Basis**  
**July 31, 2019**

**Assets**

**Current Assets**

Petty Cash	\$ 100.00
Intracoastal Bank - Money Market	9,803,643.73
Intracoastal Bank - Operating	144,080.72
Mainstreet Community Bank - MM	7,028,939.17
Taxes Receivable	92,073.00
<b>Total Current Assets</b>	<b><u>17,068,836.62</u></b>

**Fixed Assets**

Land	145,000.00
Buildings	422,024.71
Building Improvements	350,822.58
Equipment	251.78
<b>Total Fixed Assets</b>	<b><u>918,099.07</u></b>
Less Accum. Depreciation	<u>(296,440.64)</u>
<b>Total Net Fixed Assets</b>	<b><u>621,658.43</u></b>

**Other Assets**

Deposits	<u>2,000.00</u>
<b>Total Other Assets</b>	<b><u>2,000.00</u></b>
<b>Total Assets</b>	<b><u><u>17,692,495.05</u></u></b>

**Liabilities and Net Assets**

**Current Liabilities**

Security Deposit	5,110.00
Deferred Revenue	<u>88,660.00</u>
<b>Total Current Liabilities</b>	<b><u>93,770.00</u></b>

**Net Assets**

Unassigned Fund Balance	10,444,019.53
Restricted Fund Balance	208,000.00
Nonspendable Fund Balance	621,658.43
Net Income Excess (Deficit)	<u>6,325,047.09</u>
<b>Total Net Assets</b>	<b><u>17,598,725.05</u></b>
<b>Total Liabilities and Net Assets</b>	<b><u><u>\$ 17,692,495.05</u></u></b>



**West Volusia Hospital Authority**  
**Statement of Revenue and Expenditures**  
**Modified Cash Basis**  
**Budget and Actual**  
**For the 1 Month and 10 Months Ended July 31, 2019**

	<u>Annual Budget</u>	<u>Current Period Actual</u>	<u>Year To Date Actual</u>	<u>Budget Balance</u>
<b>Revenue</b>				
Ad Valorem Taxes	20,194,000	1,045	20,221,629	(27,629)
Investment Income	55,000	13,354	122,117	(67,117)
Reimbursement - SDTF	0	0	70,060	(70,060)
Rental Income	70,968	11,384	62,612	8,356
<b>Total Revenue</b>	<u>20,319,968</u>	<u>25,783</u>	<u>20,476,418</u>	<u>(156,450)</u>
<b>Healthcare Expenditures</b>				
Adventist Health Systems	5,848,544	333,632	5,049,451	799,093
Northeast Florida Health Services	1,932,281	120,746	1,223,639	708,642
Specialty Care	4,375,000	233,905	2,665,014	1,709,986
County Medicaid Reimbursement	2,385,000	0	1,763,698	621,302
The House Next Door	120,000	5,717	73,206	46,794
The Neighborhood Center	70,000	5,325	64,725	5,275
Community Life Center Outreach Services	20,000	0	550	19,450
Rising Against All Odds	235,000	14,295	131,703	103,297
Community Legal Services	76,931	8,648	60,283	16,648
Hispanic Health Initiatives	75,000	9,475	49,925	25,075
Florida Dept of Health Dental Svcs	200,000	16,787	170,248	29,752
Good Samaritan	60,000	0	0	60,000
Stewart Marchman - ACT	925,336	6,713	918,281	7,055
Health Start Coalition of Flagler & Volusia	142,359	12,584	108,682	33,677
H C R A	819,612	0	193,123	626,489
Other Healthcare Costs	863,412	0	0	863,412
<b>Total Healthcare Expenditures</b>	<u>18,148,475</u>	<u>767,827</u>	<u>12,472,528</u>	<u>5,675,947</u>
<b>Other Expenditures</b>				
Advertising	5,000	152	4,831	169
Annual Independent Audit	16,000	0	16,100	(100)
Building & Office Costs	6,500	631	3,577	2,923
General Accounting	68,100	3,762	47,072	21,028
General Administrative	65,100	4,420	39,693	25,407
Legal Counsel	70,000	5,480	45,550	24,450
Special Accounting	5,000	0	0	5,000
City of DeLand Tax Increment District	100,000	0	64,265	35,735
Tax Collector & Appraiser Fee	603,880	69,732	684,197	(80,317)
TPA Services	500,000	0	432,433	67,567
Eligibility / Enrollment	30,000	0	4,221	25,779
Healthy Communities	72,036	5,043	51,521	20,515
Application Screening				
Application Screening - THND	317,872	29,664	233,644	84,228
Application Screening - RAAO	34,005	981	34,005	0
Application Screening - SMA	3,000	0	84	2,916
Workers Compensation Claims	25,000	0	13,429	11,571
Other Operating Expenditures	250,000	426	4,221	245,779
<b>Total Other Expenditures</b>	<u>2,171,493</u>	<u>120,291</u>	<u>1,678,843</u>	<u>492,650</u>
<b>Total Expenditures</b>	<u>20,319,968</u>	<u>888,118</u>	<u>14,151,371</u>	<u>6,168,597</u>
<b>Excess ( Deficit)</b>	<u>0</u>	<u>(862,335)</u>	<u>6,325,047</u>	<u>(6,325,047)</u>

See Accountants' Compilation Report

**West Volusia Hospital Authority**  
**Schedule I - Healthcare Expenditures**  
**Modified Cash Basis**  
**Budget and Actual**  
**For the 1 Month and 10 Months Ended July 31, 2019**

	Annual Budget	Current Period Actual	Year To Date Actual	Budget Balance
<b>Healthcare Expenditures</b>				
Adventist Health Systems				
Florida Hospital DeLand	2,811,772	154,223	2,572,694	239,078
Florida Hospital Fish Memorial	2,811,772	157,009	2,346,678	465,094
Florida Hospital DeLand - Physicians	112,500	12,737	70,563	41,937
Florida Hospital Fish - Physicians	112,500	9,663	59,515	52,985
Northeast Florida Health Services				
NEFHS - Pharmacy	752,281	62,690	572,924	179,357
NEFHS - Obstetrics	30,000	2,649	37,188	(7,188)
NEFHS - Primary Care	1,150,000	55,406	613,527	536,473
Specialty Care	4,375,000	233,905	2,665,014	1,709,986
County Medicaid Reimbursement	2,385,000	0	1,763,698	621,302
Florida Dept of Health Dental Svcs	200,000	16,787	170,248	29,752
Good Samaritan				
Good Samaritan Health Clinic	30,000	0	0	30,000
Good Samaritan Dental Clinic	30,000	0	0	30,000
The House Next Door	120,000	5,717	73,206	46,794
The Neighborhood Center	70,000	5,325	64,725	5,275
Community Life Center Outreach Services	20,000	0	550	19,450
Rising Against All Odds	235,000	14,295	131,703	103,297
Community Legal Services	76,931	8,648	60,283	16,648
Hispanic Health Initiatives	75,000	9,475	49,925	25,075
Stewart Marchman - ACT				
SMA - Homeless Program	75,336	6,713	68,282	7,054
SMA - Residential Treatment	550,000	0	550,000	0
SMA - Baker Act - Match	300,000	0	300,000	0
Health Start Coalition of Flagler & Volusia				
HSCFV - Outreach	73,500	5,654	44,281	29,219
HSCFV - Fam Services	68,859	6,929	64,401	4,458
HCRA				
H C R A - In County	400,000	0	169,437	230,563
H C R A - Outside County	419,612	0	23,686	395,926
Other Healthcare Costs	863,412	0	0	863,412
<b>Total Healthcare Expenditures</b>	<b>18,148,475</b>	<b>767,825</b>	<b>12,472,528</b>	<b>5,675,947</b>

**West Volusia Hospital Authority**  
**Schedule II - Statement of Revenue and Expenditures**  
**Modified Cash Basis**  
**For the 1 Month and 10 Months Ended July 31, 2019 and July 31, 2018**

	1 Month Ended July 31, 2019	1 Month Ended July 31, 2018	10 Months Ended July 31, 2019	10 Months Ended July 31, 2018
<b>Revenue</b>				
Ad Valorem Taxes	1,045	15,540	20,221,629	20,075,553
Investment Income	13,354	7,242	122,117	53,266
Reimbursement - SDTF	0	0	70,060	0
Rental Income	11,384	5,692	62,612	56,920
Other Income	0	0	0	203
<b>Total Revenue</b>	<u>25,783</u>	<u>28,474</u>	<u>20,476,418</u>	<u>20,185,942</u>
<b>Healthcare Expenditures</b>				
Adventist Health Systems	333,632	9,257	5,049,451	5,195,402
Northeast Florida Health Services	120,746	349	1,223,639	1,154,052
Specialty Care	233,905	29,133	2,665,014	2,309,083
County Medicaid Reimbursement	0	0	1,763,698	1,670,870
The House Next Door	5,717	8,564	73,206	75,525
The Neighborhood Center	5,325	1,350	64,725	52,500
Community Life Center Outreach Services	0	0	550	15,925
Rising Against All Odds	14,295	20,569	131,703	161,644
Community Legal Services	8,648	5,415	60,283	28,174
Hispanic Health Initiatives	9,475	6,375	49,925	68,725
Deltona Firefighters Foun Access to Hlth	0	0	0	661
Florida Dept of Health Dental Svcs	16,787	7,968	170,248	194,123
Good Samaritan	0	4,236	0	34,920
Stewart Marchman - ACT	6,713	41,976	918,281	630,568
Health Start Coalition of Flagler & Volusia	12,584	11,582	108,682	106,212
H C R A	0	0	193,123	105,859
<b>Total Healthcare Expenditures</b>	<u>767,827</u>	<u>146,774</u>	<u>12,472,528</u>	<u>11,804,243</u>
<b>Other Expenditures</b>				
Advertising	152	915	4,831	3,456
Annual Independent Audit	0	0	16,100	15,800
Building & Office Costs	631	720	3,577	4,418
General Accounting	3,762	3,485	47,072	42,442
General Administrative	4,420	4,191	39,693	47,113
Legal Counsel	5,480	4,600	45,550	45,630
City of DeLand Tax Increment District	0	0	64,265	69,746
Tax Collector & Appraiser Fee	69,732	46,392	684,197	587,405
TPA Services	0	27,250	432,433	358,903
Eligibility / Enrollment	0	0	4,221	31,731
Healthy Communities	5,043	5,251	51,521	50,894
Application Screening				
Application Screening - THND	29,664	15,812	233,644	142,306
Application Screening - RAAO	981	4,992	34,005	24,576
Application Screening - SMA	0	0	84	2,379
Workers Compensation Claims	0	4,936	13,429	26,667
Other Operating Expenditures	426	979	4,221	2,613
<b>Total Other Expenditures</b>	<u>120,291</u>	<u>119,523</u>	<u>1,678,843</u>	<u>1,456,079</u>

See Accountants' Compilation Report

**West Volusia Hospital Authority**  
**Schedule II - Statement of Revenue and Expenditures**  
**Modified Cash Basis**  
**For the 1 Month and 10 Months Ended July 31, 2019 and July 31, 2018**

	1 Month Ended July 31, 2019	1 Month Ended July 31, 2018	10 Months Ended July 31, 2019	10 Months Ended July 31, 2018
<b>Total Expenditures</b>	<u>888,118</u>	<u>266,297</u>	<u>14,151,371</u>	<u>13,260,322</u>
<b>Excess ( Deficit)</b>	<u><u>(862,335)</u></u>	<u><u>(237,823)</u></u>	<u><u>6,325,047</u></u>	<u><u>6,925,620</u></u>

## LEGAL UPDATE MEMORANDUM

TO: WVHA Board of Commissioners

DATE: August 6, 2019

FROM: Theodore W. Small, Jr.

RE: West Volusia Hospital Authority - Update for June 20, 2019 Regular Meeting

Summarized below are updates on active legal matters/issues for which some new information has become available since my last legal update. This Memorandum will not reflect updates on matters resolved by a final vote of the Board and thereby already summarized in the July 18, 2019 Meeting Minutes.

**I. Legal Context for Budget Workshop/TRIM Procedure [Tax/Budgeting] [See new info. in italics and bold]**

Please note that the Authority's budget process is governed by the Truth in Millage ("TRIM") process as set forth in Chapter 200, Florida Statutes and the related Department of Revenue compliance regulations. In general, TRIM requires that taxing entities such as the Authority hold two public hearings for open discussion on their proposed millage rate and proposed budget. Such public hearings must first deal with any increase in millage over the statutory rolled-back rate (RBR) necessary to fund the proposed budget, if any, and the specific purposes for which taxes are being increased. The millage rate must be adopted first and then the budget must be adopted with a separate vote. Notices for the first public hearing ("TRIM Notice") is mailed to taxpayers by the County Property Appraiser on the Notice of Proposed Property Taxes. Notice for the second public hearing is handled by the Authority with a newspaper advertisement in a statutorily mandated format and publication deadline.

For Board member personal vacation scheduling purposes, please note that the Authority's TRIM budgeting process usually starts in July coincident with the Property Appraiser's certification of the tax roll and ends in late September with a final budget hearing and submission of certifications of compliance to the State's TRIM Compliance Office. Therefore, even though tentative dates have already been voted upon (see below in Paragraph H *infra*), Board members should maintain as much flexibility as possible in their September schedules in order to ensure a quorum and whatever majority is necessary to satisfy the TRIM requirements.

For most years since 2007 including for the current tax year, the Board has voted to adopt millage at the "rolled-back rate" ("RBR"), which is the rate calculated with a statutory formula to allow the Board to raise the same amount of revenue as it did in the immediate past tax year with a simple majority vote. Refer to counsel's 9/17/2014 for further historical summary of final millage votes.

The following are descriptions of the exceptional years where the Board has voted to set its

final millage rate either below or above that statutory rolled-back rate, which meant a tax decrease or tax increase in layman's terms:

Regarding the 2017-18 budget year, the TRIM Final Budget Hearing was held on Tuesday, September 26, 2017, and the Board voted 4-0-1 to set its final millage at 2.366 mills with a separate 4-0-1 to adopt the Authority's 2017-18 final budget of \$20,023,304.00. Therefore, the 2017-18 tax year's millage of 2.366 mills was a 58% increase over the 1.4966 mills rolled-back rate.

Regarding the 2015-16 budget year, the TRIM Final Budget Hearing was held on Thursday, September 17, 2015, and the Board voted 5-0 to set its final millage at 1.6679 mills with a separate 5-0 to adopt the Authority's 2015-16 final budget of \$16,741,063.00. Therefore, the 2015-16 tax year's millage of 1.6679 mills was a 10% decrease over the 1.8532 mills rolled-back rate;

Regarding the 2014-15 budget year, the TRIM Final Budget Hearing was held on Thursday, September 25, 2014, and the Board voted 4-0-1 (vacant) to set its final millage at 1.9237 mills with a separate 4-0-1 (vacant) to adopt the Authority's 2014-15 final budget of \$15,989,676.00. Therefore, the 2014-15 tax year's millage of 1.9237 mills was a 15% decrease over the 2.2632 rolled-back rate;

Regarding the 2013-14 budget year, the TRIM Final Budget Hearing was held on Thursday, September 19, 2013, and the Board voted 5-0 to set its final millage at 2.3759 mills with a separate 5-0 to adopt the Authority's 2013-14 final budget of \$17,453,695.00. Therefore, the 2013-14 tax year's millage of 2.3759 mills was a 1.5% decrease over the 2.4121 rolled-back rate;

Regarding the 2009-10 budget year, the TRIM Final Budget Hearing was held on Tuesday, September 22, 2009, and the Board voted unanimously to set its final millage at 1.745 mills with a separate unanimous vote to adopt the Authority's 2008-09 final budget of \$15,680,000.00. Therefore, the 2009-10 tax year's millage of 1.745 mills was a 2.04% decrease over the 1.7813 rolled-back rate;

Regarding the 2007-2008 budget year, the TRIM Final Budget Hearing was held on Wednesday, September 12, 2007, and the Board unanimously voted to set its final millage at 1.2619 mills with a separate unanimous vote to adopt the Authority's 2007-08 final budget of \$18,414,937.00. Therefore, the current tax year's millage of 1.2619 mills is the same as the final millage adopted for 2006-07, but it represented a 10.37 percent increase over the statutory rolled-back rate of 1.1433 mills.

On June 1, 2019, the Volusia County Property Appraiser sent the Authority official notification that based on its "pre-preliminary estimate", the total taxable value of property in the Authority's tax district is \$10,519,658,760, which represents a net change of approximately +12.68% from 2018 taxable value (9,336,227,639).

*Several preliminary steps in the TRIM process have already occurred. The following*

*additional steps are required to complete the 2019-2020 TRIM process:*

- A By August 24th, the Property Appraiser will send out the required TRIM Notice. The Authority also generally advertises the Tentative Budget Hearing as it would for a regular meeting even though such supplemental advertisement is not required;
- B Within 15 days after the Tentative Budget Hearing occurs and the Tentative Millage and Budget are adopted, the Authority will need to advertise its second and final public hearing on the millage and budget ("Final Budget Hearing"). The advertisement for the Final Budget Hearing must be published at least 2, but no more than 5 days before the hearing takes place.
- C Hearing dates selected by the Volusia County Council and Volusia County School Board take priority. Based on information DRT received from these entities, the School Board will have its TRIM hearings on July 23<sup>rd</sup> and September 10<sup>th</sup>. The County Council will have its TRIM hearings on September 3<sup>rd</sup> and September 17<sup>th</sup>.
- D To reconcile these statutory scheduling requirements with the Authority's current meeting schedule and depending on any changes to the County Council or School Board schedule, the Tentative Budget Hearing has been scheduled for 5:05p.m. on Thursday, September 12, 2019; Monday, September 23 as the tentatively scheduled date for publication of the Final Budget Hearing which is proposed to occur in a special meeting on Thursday, September 26, 2019 at 5:05p.m, followed immediately by a regular meeting scheduled for that same date.
- E Within 3 days of the Final Budget Hearing, the Authority (via DRT) must forward the resolution adopting the final millage rate to the Property Appraiser.
- F Within 30 days of the Final Budget Hearing, the Authority (via DRT) must submit its TRIM Compliance package (DR-422).

Regarding voting and advertising requirements, the following is a recap of how to distinguish between the "true rolled-back rate" and the "maximum millage rolled-back rate". WVHA will be able to approve the required millage resolutions with a majority vote unless its proposed increase in the millage rate exceeds the "maximum millage rolled-back rate" that will be calculated by DRT according to DOR Form 420MM-P. Counsel confirmed with the TRIM office that their regulatory forms define two separate and distinct rolled-back rates, one to trigger special voting requirements (DR 410MM-P which the TRIM office thinks of as the "maximum millage rolled-back rate") and another to trigger size of advertising and other requirements for advertising and other TRIM requirements (DR 420 which the TRIM office thinks of as the "true rolled-back rate"). Any millage rate above the true rolled-back rate will require a quarter page ad notifying the public of a "TAX INCREASE".

**II. Discussions with EMPros Re: Restructuring Nature of Primary Care Physicians Indigent Hospital Patient Program Reimbursement Agreement (2005), as amended. [See new info. in italics and bold] [Refer back to Legal Update Memorandum dated 3/21/19 and June 11, 2019 for additional background details.]**

As proposed during the November 2018 Regular Meeting, Ms. Maureen France organized a joint meeting on December 11, 2018 at Florida Hospital DeLand with herself, EMPros President, Charles D. Duva, MD, EMPros Regional Operations Coordinator, Kristin McCabe-Kline, MD,

FHD CFO, Kyle Glass (FHFM CFO, Eric Ostarly was expected but unable to attend). The discussion lasted about one and a half hours and focused principally on sharing background on 1. how the underlying 2006 Agreement which is subject to renewal each year, is a separate and distinct agreement from the 2000 Omnibus Agreement concerning the sale of the Hospital to Adventist, which is a 20 year agreement that is set to expire in September, 2020; 2. Why the 2005 Agreement was structured between WVHA and the Hospitals in 2005 without EMPros as a party; 3. how EMPros contracted with the Hospitals year after year without even becoming aware that the pool of monies it was being paid for providing physicians to staff the Hospitals' ERs was based on funding received from WVHA; 4. how the recent changes in federal and state programs that otherwise reimburse EMPros services and also the approximate 10% increases in qualified Health Card patients, is now motivating EMPros to seek more reimbursements to avoid a reduction in the quality of services available to all ER patients; 5. why EMPros would prefer to negotiate a reimbursement contract directly with WVHA as opposed to having the Hospitals as intermediaries for whatever reimbursements are provided by WVHA, and how it would be willing to propose multiple options for a restructured agreement including being contracted as specialists in the UMR network, negotiating a higher per patient amount which is adjusted for inflation from the amount agreed to in the 2005 Agreement, or a flat rate overall annual reimbursement amount to make the overall funding predictable to WVHA and cut down on paperwork on both sides; 6. why the Hospitals would prefer not to remain as intermediaries and may be willing to ask for less monies to reimburse the Hospitals for the separate category of inpatient physician services which is currently covered under the same 2005 Agreement and often leads to depletion of reimbursements that are available to EMPros before the WVHA funding year. Counsel emphasized to those gathered that the option of including EMPros as specialists is impractical on a number of levels, including the fact that specialty care network is managed, contracted and owned by UMR, not WVHA and restructuring finally settled WVHA policies that establish a PCP referral for all specialty services reimbursed under that network. The meeting concluded with EMPros taking on responsibility for coming up with a proposal that clearly and specifically explains what it wants to be paid and why those amounts are justified based on comparisons with the overall marketplace.

During its presentation at the March meeting, EMPros committed to putting its proposal for a direct contract with WVHA in a completed funding application. To date counsel has not been provided with a copy of EMPros's completed application. Depending on its contents as to rates of reimbursement and proposed funding limit, the Board will need to consider whether this application should be reviewed alongside other non-primary care applications that are usually processed by the CAC in the first instance, or whether it should be reviewed directly by the Board without a preliminary review by the CAC. Regardless of how this application is processed, the Board (and if applicable, the CAC) should be mindful that a decision to fund EMPros directly is akin to past decisions where prior Boards have been persuaded to take on financial responsibility to pay for health care costs that are the actual responsibility of other entities with greater resources (e.g., HCRA, Medicaid Match, Baker Act, which are all programs which would fall upon the County of Volusia if WVHA had refused or ever refuses to pay, or ceases to exist/is statutorily eliminated and is therefore unable to pay). In this instance, the federal government places responsibility for providing quality ER services on the current owner and operator of the hospitals, Adventist Health Systems. WVHA will need to be



mindful of its fiduciary obligation to taxpayers as it evaluates the degree to which it will undertake more financial responsibility from Adventist Health Systems to fairly compensate the ER specialists, which Adventist Health Systems is required to do as a cost of owning and operating the hospitals. In this regard, please recall that as of October 1, 2020, unless a renewal contract is negotiated, Adventist Health Systems will own and operate the hospitals without any restrictions or control, or requirement of reimbursement for ER services by WVHA. In view of the CAC's decision to pass back to the Board responsibility for determining whether or not to fund EMPros directly for the healthcare it provides to Healthcard members in Adventist Health's ER, counsel reiterates the above background overview to assist the Board in framing its decision.

***As requested, counsel forwarded to Board members electronic copies of the "Primary Care Physicians Indigent Hospital Patient Program Reimbursement Agreement" (2005), which establishes a funding limit and rate of reimbursement to physicians per inpatient hospital stay and ER visits, and its most recent "13<sup>th</sup> Addendum to Primary Care Physicians Indigent Hospital Patient Program Reimbursement Agreement" (2018). As discussed during the last meeting, the total funding limit was reduced from \$325,000 to \$225,000 but nothing else has changed about the reimbursement rate or other terms of the original 2005 agreement. It has been a year-to-year agreement which has been renewed every year without any other substantive requests for modification from either party. In considering EmPros' pending funding application and the various proposals for reducing the existing budget line item for payments to the hospitals and for creating a separate line item to fund EmPros under a completely new and separate funding agreement for the 2019-2020 funding cycle, the following background and considerations are worth noting:***

- 1. EmPros as a subcontractor of the hospitals was NOT a party to this 2005 agreement or any of its renewals. Instead, EmPros has been contracting directly with the hospitals for whatever reimbursements it has received over the years. As discussed during the last meeting, WVHA has no legal basis for supervising the contractual relationships that the hospitals establish with EmPros or any of other subcontractors or employees of the hospitals, except as they would directly impact the hospitals fulfilling their commitment to maintain quantity and quality of services as agreed in WVHA's own agreements with the hospitals.***
- 2. Although it is understandable that EmPros would desire to discontinue what arguably has been a low pay or no pay deal it has been willing to accept all these years, and it is also understandable that the hospitals would rather shift some of its federal law responsibility for providing quality ER services to WVHA, counsel does NOT recommend this type of fundamental restructuring of contractual relationships for this 2019-20 funding year.***
- 3. Any such restructuring should be postponed until the 2020-21 and beyond funding cycle(s) as a part of the overall set of decisions that the Board will need to make regarding how best to commit tax revenues to maintain and enhance hospital services for indigent residents. The Board should take care to avoid shifting to itself duties and responsibilities that federal and state law imposes on the owners and operators of hospitals, which is the role that Adventist took on for itself effective October 1, 2000.***
- 4. To the extent that a majority of the Board is inclined to do any restructuring at all for this current funding cycle, counsel recommends that the upcoming 14<sup>th</sup>***

*Addendum to the 2005 provision be revised to specify that no less than \$175K of the total funding limit be paid to EmPros, which is the amount that the hospitals have confirmed they are willing to shift to EmPros out of the current \$225K funding limit. Additionally, counsel recommends that the Board give consideration to adjusting the rate of reimbursement based on whatever EmPros submits to demonstrate that it has not contracted to charge a lower rate for similar services at similarly situated hospitals, as well as a potential adjustment in the total funding limit to fund that adjusted rate for what is determined to be a valid projected number of ER visits in the coming year based on the Board's determination at the last meeting that it projects 1900 Health Card members in the 2019-2020 funding year.*

*To reiterate, counsel recommends consideration of modifying the financial terms of the 2005 agreement, but does not recommend a fundamental restructuring that gives the appearance of shifting responsibility for maintaining quality ER services from the hospitals to WVHA, and establishes a direct relationship that might result in other physicians citing that new contract as a precedent for establishing their own direct contractual relationship with WVHA.*

- III. Downtown DeLand CRA: Notice of Amendment to Extend CRA Expiration from September 30, 2025 to December 31, 2036. [See new info. in italics and bold] [Refer back to Legal Update Memorandum dated 3/21/19 for additional background details.]

*The City Commission formally considered and rejected WVHA exemption request at the June 17<sup>th</sup> City Commission meeting. Counsel forwarded to Board members an electronic copy of the City's formal notice of its denial of the request in an email dated August 1, 2019. The notice of denial mentions twice that the City desires to maintain a good community partner relationship with WVHA and invites WVHA to reapply for the exemption closer to the start of the Extension Period, which runs 2025-2036.*

*Nevertheless, the City denied the request and adopted the staff analysis of the statutory factors that it was required to consider. In a nutshell, the City's analysis of the Section 163.387(d)(2) factors acknowledges that the CRA has no bond or other debt, no special projects at all within its approved plan, much less any CRA projects that would benefit the provision health care or access to health care. Both of these factors should have been weighted in favor of the requested exemption. Instead, the City's analysis is focused solely on the fiscal impact factor, i.e., the loss of a future revenue stream which the CRA could possibly need in the future if it subsequently approves special projects or incurs debt. The analysis in the notice of denial also undervalues the degree to which the health care access outreach programs of Rising Against All Odds, The Neighborhood Center and Hispanic Health Initiative target potentially unhealthy and homeless residents and provide them with a means to get off the streets of the Downtown DeLand area and access health, housing and welfare programs. Using the City's analytical emphasis on the uncertainty of fiscal impact of lost future revenue, it is hard to imagine how any entity would ever qualify for an exemption under Section 163.387(d)(1). It is doubtful that this was the intent of the Legislature to have this provision be a nullity as applied.*

**IV. WVHA as Plaintiff in Federal Multidistrict Litigation for National Prescription Opiate Litigation, James Vickaryous, Managing Partner of Vickaryous Law Firm.**  
**[See new info. in italics and bold]**

Counsel talked preliminarily with Jim Vickaryous, the Managing Partner of the Vickaryous Law Firm about WVHA retaining his law firm to represent WVHA on a contingency basis and file a lawsuit on behalf of WVHA in the federal multidistrict litigation for national prescription opiate litigation. Attorney Vickaryous plans to present a formal proposal to explain the details, but in a nutshell the proposed representation would offer WVHA a seat at the table among many other governmental and private entities around the nation that are suing pharmaceutical companies. These lawsuits are seeking to recover damages related to the substantial health care and prescription costs that have been paid to treat residents who became addicted to opioids. As of this writing, counsel has not yet received a draft of the proposed retainer agreement or the presentation materials. Attorney Vickaryous has indicated in an introductory call that if desired, WVHA would become one of several Florida based local government clients which his firm would represent. The contingency basis of the representation would provide that the Vickaryous Law Firm would be paid 20% of any net recovery after costs and WVHA would keep the remaining 80%. Attorney Vickaryous believes that it would be important to get WVHA's lawsuit on file as soon as practicable before settlement talks begin and conclude concerning a Tier 1 lawsuit that is scheduled for trial in Ohio during October, 2019. Attorney Vickaryous believes that the defendants in that lawsuit may want to negotiate a global settlement of all pending lawsuits and it would be advantageous for WVHA to have a seat at that table, particularly in light of the substantial annual budget expenses being paid to SMA and for prescriptions that are directly related to the opioid epidemic. Counsel expects to receive and review the details prior to the March meeting and have a recommendation as to the form of the retainer agreement at that time. As an overall matter, the proposal sounds like a potential opportunity for WVHA to recoup substantial taxpayer dollars, but it may take some time before any recovery is obtained. Following the Board's authorization of Chair Craig to sign the proposed contingency agreement subject to a clarification that the net of any recovery to WVHA only be reduced to reimburse "reasonable" attorney's fees, Chair Craig has executed the revised agreement and it is being circulated for signatures by all the retained co-counsel. It is anticipated that in the next couple weeks, Jim Vickaryous, one his co-counsel, Michael Kahn and counsel will have a telephone conference to facilitate collection of background details that would be necessary for them to finalize and file a complaint on behalf of WVHA.

**V. General Compliance with the Sunshine Law [See new info. in italics and bold]**

The Government in the Sunshine Law, section 286.011, Florida Statutes, provides in pertinent part:

"All meetings of any board or commission . . . of any agency or authority of any county, municipal corporation, or political subdivision . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

It is impossible to summarize all relevant points of the Sunshine Law, but please note that courts uniformly interpret this provision as prohibiting two or more members of the same board or commission from talking about or discussing any matter on which foreseeable action will be taken by the public board or commission. (If your conversation with another board member concerns personal or business matters unrelated to the Authority, the Sunshine Law does not apply)

Please note that the Sunshine Law DOES apply to “off-the record” chats during meetings or during breaks, written correspondence, telephone conversations and e-mails exchanges between two or more board members if such communication concerns matters likely to come before the Board; provided however, it is permissible for one board member to send correspondence to the rest of the board outside of a public meeting as long as this correspondence does not result in replies or other back and forth exchanges until a public meeting is convened for such discussion and also the correspondence is made available to interested members of the public.

The Sunshine Law also prohibits nonmembers (staff, lawyers, accountants, and members of the public) from serving as liaisons between Board members concerning matters likely to come before the Board.

*With the increased use of social media accounts, including Facebook and other community and political blogs, Board members should be mindful of the following Florida Attorney General guidance before posting on Facebook, or other blogs an opinion or viewpoint on matters likely to come before the Board. In AG Opinion 08-07, the Florida Attorney General concluded that the use of a website blog or message board to solicit comment from other members of the board or commission by their response on matters that would come before the board would trigger the requirements of the Sunshine Law. As stated therein:*

*'While there is no statutory prohibition against a city council member posting comments on a privately maintained electronic bulletin board or blog... members of the board or commission must not engage in an exchange or discussion of matters that foreseeably will come before the board or commission for official action. The use of such an electronic means of posting one's comments and the inherent availability of other participants or contributors to act as liaisons would create an environment that could easily become a forum for members of a board or commission to discuss official issues which should most appropriately be conducted at a public meeting in compliance with the Government in the Sunshine Law. It would be incumbent upon the commission members to avoid any action that could be construed as an attempt to evade the requirements of the law.'*

Please note that as the Board's attorney, counsel's role is to assist the aggregate Board with legal compliance, not to provide individualized legal opinions to a particular board member. For specific questions concerning your own compliance, please direct those inquiries to the Florida Commission on Ethics. Their website can be found at <http://www.ethics.state.fl.us/>. Although their website material suggests the need for a written

inquiry, each individual Board member is a “public officer” and thereby has the right to obtain informal telephone advice on common questions at (850) 488-7864.