

**West Volusia Hospital Authority**  
**BOARD OF COMMISSIONERS REGULAR MEETING**  
**January 16, 2020 5:00 p.m.**  
**DeLand City Hall**  
**120 S. Florida Avenue, DeLand, FL**

**AGENDA**

1. Call to Order Organizational Portion of Meeting
2. Organizational Meeting
3. Organization of New Board of Commissioners
  - I. Election of Officers
    - A. Open floor for nomination of Chair
      1. Close nominations
      2. Hold vote for Chair
    - B. Chair continues with nominations and election of remaining officers
      1. Vice-Chair
      2. Secretary
      3. Treasurer
  - II. Organizational Matters
    - A. Motion and approval confirming location of Authority office and records remains the same
    - B. Motion and approval of time and location for Authority meetings
      1. DeLand City Hall Commission Chambers, 120 S. Florida Avenue, DeLand, FL, 5 p.m.
      2. Dreggors, Rigsby & Teal, P.A., 1006 N. Woodland Blvd., DeLand FL, 5 p.m.
      3. DeLand Police Department Community Room, 219 W. Howry Avenue, DeLand, FL, 5 p.m.
      4. Wayne Sanborn Center, 815 S. Alabama Ave., DeLand, FL 5 p.m.
      5. Deltona City Hall, 2345 Providence Blvd., Deltona, FL 5 p.m.
    - C. Citizens Advisory Committee Vacancies
  - III. Allow WVHA Commissioners short comments, concerns and requests for agenda items for regular meetings
4. Adjourn Organizational portion of meeting

**West Volusia Hospital Authority**  
**BOARD OF COMMISSIONERS REGULAR MEETING**  
**January 16, 2020 commencing upon the conclusion of the Organizational**  
**Meeting**  
**DeLand City Hall**  
**120 S. FLORIDA AVENUE, DELAND, FL**  
**AGENDA (continued)**

5. Call to Order Regular meeting
6. Opening Observance followed by a moment of silence
7. Approval of Proposed Agenda
8. Consent Agenda:
  - A. Approval of Minutes - Regular Meeting November 14, 2019
9. Citizens Comments
10. Reporting Agenda:
  - A. UMR November/December Report – Written Submission
  - B. FQHC Report - Laurie Asbury, CEO  
Northeast Florida Health Services, Inc. (NEFHS)  
d/b/a Family Health Source (FHS) November/December Report
  - C. The House Next Door (THND) November/December HealthCard Report
    1. THND First Quarter Report Oct-Dec 2019
11. Discussion Items:
  - A. DRT Engagement Letter 2019-2020 Contractual Compliance Site Visit  
Review The House Next Door HealthCard Program
  - B. WVHA Public Records Policy – Attorney Theodore W. Small (see Legal Update)
  - C. EBMS TPA Transition Update
  - D. Commissioner John Hill CAC Appointee Joyce Cusack (application attached)
  - E. Florida Legislature Joint Legislative Auditing Committee Motion to direct Auditor General to perform and operational audit of the West Volusia Hospital Authority
  - F. Follow Up Items
    1. Exemption from any extensions of the City of DeLand CRAs, HB 535 /SB 1072
    2. Tentatively Scheduled Meetings – 2020 July 16, 2020 @ DeLand Police Department Community Room
12. Finance Report
  - A. November & December Financials
13. Legal Update
14. Commissioner Comments
15. Adjournment

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

DeLand City Hall  
120 S. Florida Avenue, DeLand, FL  
November 14, 2019  
DeLand, Florida

**Those in Attendance:**

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

**CAC Present:**

Elmer Holt  
Donna Pepin  
Jacquie Lewis

**Others Present:**

Attorney for the Authority: Theodore Small, Law Office of Theodore W. Small, P.A.  
Administrative Support: Eileen Long, Dreggors, Rigsby & Teal, P.A.

**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, commencing at 5:00 p.m. The meeting was opened with The Pledge of Allegiance followed by a moment of silence.

**Approval of Proposed Agenda**

**Motion 104 – 2019** Commissioner Ferrari motioned to approve the final draft of the amended agenda as presented. Commissioner Manning seconded the motion. The motion passed unanimously.

**Consent Agenda**

**Approval of Final Budget Hearing September 26, 2019**

**Approval of Minutes Regular Meeting September 26, 2019**

**Motion 105 – 2019** Commissioner Ferrari motioned to approve the Consent Agenda. Commissioner Guzman seconded the motion. The motion passed unanimously.

**Citizens Comments**

There were five.

## **Reporting Agenda**

### **UMR October Report – Written Submission**

### **FQHC Report, Laurie Asbury, CEO, Northeast Florida Health Services, Inc.**

### **d/b/a/ Family Health Source (FHS) October Report**

### **Quarterly Prescription Audit July, August, September 2019**

### **The House Next Door (THND) October HealthCard Report**

Commissioner Manning wanted to go on the record that there was an email that was sent out by Ms. Laurie Asbury, CEO, NEFHS that she and Commissioner Hill were not copied in and they only became aware of this email as Attorney Small forwarded it to them. She stated that she didn't think this was fair and all Commissioners should be included in any email communications.

Commissioner John Hill requested that the Board be allowed to skip down the agenda to Discussion Items 8. G. Public Records Request (see email dated 11/7/2019 attached). There was Board consent to allow this discussion at this point during the meeting.

### **Public Records Request (see email dated 11/7/2019 attached)**

Commissioner Hill expanded on Commissioner Manning's concerns about an email that was forwarded out by Attorney Small that was addressed to all of the Commissioners and Mr. Small from Ms. Asbury but excluded himself and Commissioner Manning. This prompted him to make his recent public records request. Commissioner Hill asked Attorney Small what are the custodial rights regarding public records that are imposed on this Board?

Mr. Small stated that if the Board approved, he would develop a proposed public records request policy to bring back before the Board during the January Meeting, along with the possibility of establishing individual WVHA.org email addresses for each Commissioner.

Commissioner Guzman asked Commissioner Hill if he was satisfied with the responses to his public records and request and he said that he was.

### **Advent Health Quarterly Report**

### **Advent Health Fish Memorial – Rob Deininger, President and/or Eric**

### **Ostarly, CFO**

Ms. Danielle Johnson, CMO, Advent Health Fish Memorial presented the WVHA with their quarterly update.

### **Advent Health DeLand – Lorenzo Brown, CEO and/or Kyle Glass, CFO**

Mr. Kyle Glass, CFO, Advent Health DeLand presented the WVHA with their quarterly update.

Chair Craig asked both of the hospital representatives when they believed they would be ready to discuss the future between the hospitals and the WVHA, in light of the 20-year contract expiring September 30, 2020?

Mr. Small asked Ms. Johnson and Mr. Glass to get back with their team to determine if the hospitals want to engage in a discussion about a multi-year agreement or whether they had decided to go through the regular funding process on a year-to-year process. The Board would like to engage in this discussion sooner rather than later. He asked when they could get back to this Board with a date that is mutually agreeable? Mr. Small suggested that the hospital representatives might want to be prepared to address this during the January 2020 WVHA Meeting.

Mr. Glass agreed that the hospitals would be prepared in time for the January 2020, and if before then the hospitals would facilitate their communication through Ms. Long.

### **Discussion Items**

#### **EBMS/Veracity Administrative Services Agreement**

Mr. Small updated the Board regarding the negotiations that were involved with the EBMS Attorney and Mr. Small was prepared to recommend approval of the EBMS Administrative Services Agreement as to form and to authorize the Chair to sign.

**Motion 106 – 2019** Commissioner Ferrari motioned to approve the EBMS Administrative Services Agreement as to form and authorize the Chair to sign. Commissioner Guzman seconded the motion. The motion passed unanimously.

#### **UMR Runout Services six (6) months**

Mr. Small summarized the run-out services language contained in the UMR/WVHA Administrative Service Agreement.

Ms. Long reviewed Ms. Donna Lupo's, UMR email dated 11/14/2019 (attached) outlining the fees involved with UMR's runout services.

**Motion 107 – 2019** Commissioner Guzman motioned to approve the run-out fees as outlined in Ms. Donna Lupo's UMR email dated 11/14/2019 (attached). Commissioner Ferrari seconded the motion. The motion passed unanimously.

Mr. Small advised the Board that EBMS and Veracity have both assured him and DRT that they did not foresee the need of any Board approval beyond what the Board just approved in order to complete their transition effective January 1, 2020. That said, Mr. Small suggested that the Board might wish to set aside an emergency meeting date in December should something come up before the January 16, 2020 Meeting.

Ms. Long suggested Thursday, December 19, 2019. She explained that the ad publication would have to be delivered to the Daytona Beach News-Journal by Thursday, December 5, 2019 to publish on Thursday December 12, 2019. She would reach out to the scheduler for the City of DeLand's Commission Chamber to determine availability for the room on that date. In summary, it needs to be decided definitively to hold an emergency meeting no later than Thursday, December 5, 2019.

**Motion 108 – 2019** Commissioner Guzman motioned to tentatively establish Thursday, December 19, 2019 in case an emergency meeting is needed in advance of the EBMS TPA

transition of January 1, 2020. Commissioner Ferrari seconded the motion. The motion passed unanimously.

#### **NEFHS Site Visit Write Up 2019 (attached)**

There was no discussion.

#### **Tentatively Scheduled Meetings 2020**

Commissioner Manning wanted to be added to the February 4<sup>th</sup>, 2020 CAC Meeting. Commissioner Guzman wanted to be added to the May 5<sup>th</sup>, 2020 CAC Meeting.

**Motion 109 – 2020** Commissioner Hill motioned to approve the tentatively scheduled WVHA meetings for 2020 with Commissioner Manning and Commissioner Guzman added to the CAC meeting schedule as requested. Commissioner Ferrari seconded the motion. The motion passed unanimously.

#### **Check Signing Schedule Bi-Monthly Accounts Payable 2020**

**Motion 110 – 2019** Commissioner Ferrari motioned to approve the 2020 check signing schedule as presented. Commissioner Hill seconded the motion. The motion passed unanimously.

#### **Fourteenth Addendum – Primary Care Physicians Indigent Hospital Patient**

**Motion 111 – 2019** Commissioner Manning motioned to approve the Fourteenth Addendum – Primary Care Physicians Indigent Hospital Patient Agreement as presented by Attorney Small. Commissioner Guzman seconded the motion. Commissioners Manning, Guzman, Craig and Hill voted in favor. Commissioner Ferrari was opposed. The motion carried by a 4-1 vote.

#### **A Proposed Bill with Florida State Legislation to Eliminate the West Volusia Hospital Authority**

Mr. Small asked the Board if they wanted any attention and action on the part of Johnson and Blanton (J&B), the WVHA Legislative Team, should this bill that they have been told will not happen at this time but will come back. The Board could make it J&B's responsibility to lobby against the dissolution of the WVHA if that is what the Board would desire. The Board would have to authorize this action.

**Motion 112 – 2019** Commissioner Guzman motioned to direct Attorney Small to authorize Johnson and Blanton to lobby against any proposed Florida Legislative Bill to eliminate the West Volusia Hospital Authority. Commissioner Manning seconded the motion.

There was Commissioner discussion and agreement that they should all work together to make positive and efficient changes happen for the WVHA.

Commissioner Hill stated that there will be another Bill filed with Florida State Legislature that will authorize a State Audit of every agency that is funded by the WVHA.

The motion passed unanimously.

*6:50 p.m. Commissioner John Hill exited the meeting.*

### **Subrogation Lien Reduction Request from \$4,300.02 to \$2,881.01**

**Motion 113 – 2019** Commissioner Guzman motioned to accept the subrogation lien reduction as presented by UMR (attached) from \$4,300.02 to \$2,881.01. Commissioner Manning seconded the motion. The motion passed by a 4-0-1 vote.

### **Follow Up Items**

There were none.

### **Finance Report – Written Submission**

**Motion 114 - 2019** Commissioner Ferrari motioned to pay the bills totaling \$4,160,988.51. Commissioner Guzman seconded the motion. The motion passed by a 4-0-1 vote.

### **Legal Update**

Mr. Theodore Small, Legal Counsel for the WVHA submitted his legal update memorandum dated November 5, 2019 (See attached).

Mr. Small referred to the letter that he emailed out to the Board from Bice/Cole, Law Firm dated November 12, 2019 addressed to the WVHA and representing Emergency Medicine Professionals, P.A. and asked the Board if they would grant authorization for him to respond accordingly to any litigious matters between now and the January 16, 2020 Meeting.

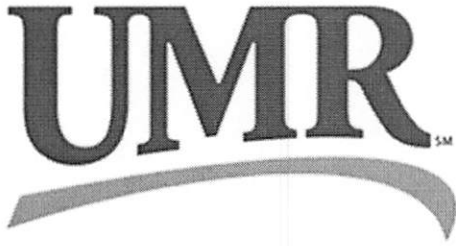
**Motion 115 – 2019** Commissioner Manning motioned to authorize Attorney Small to respond accordingly to Bice/Cole, Law Firm to any litigious matters between now and the January 16, 2020 Meeting.

### **Commissioner Comments**

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

Adjournment

Judy Craig, Chair



UMR

December 19, 2019

Submission Report for WVHA Board Members

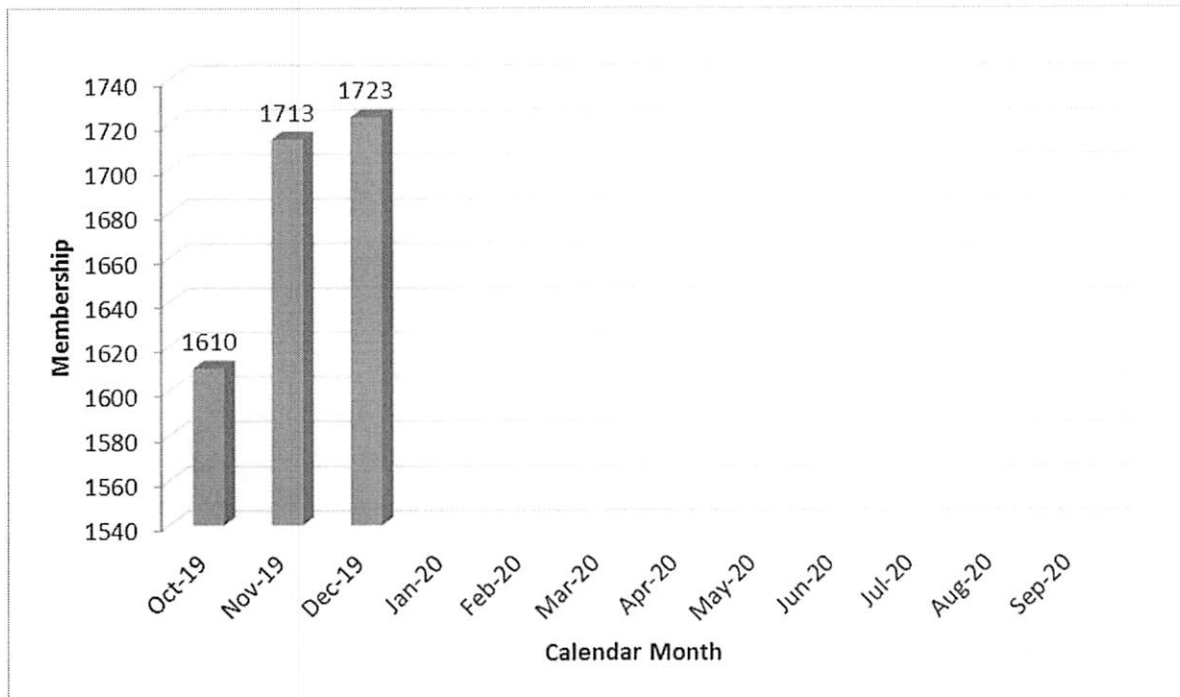


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## WVHA Health Card Program Eligibility – by Calendar Month – as of December 1, 2019

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



As of December 1, 2019, total program eligibility was 1723 patients.

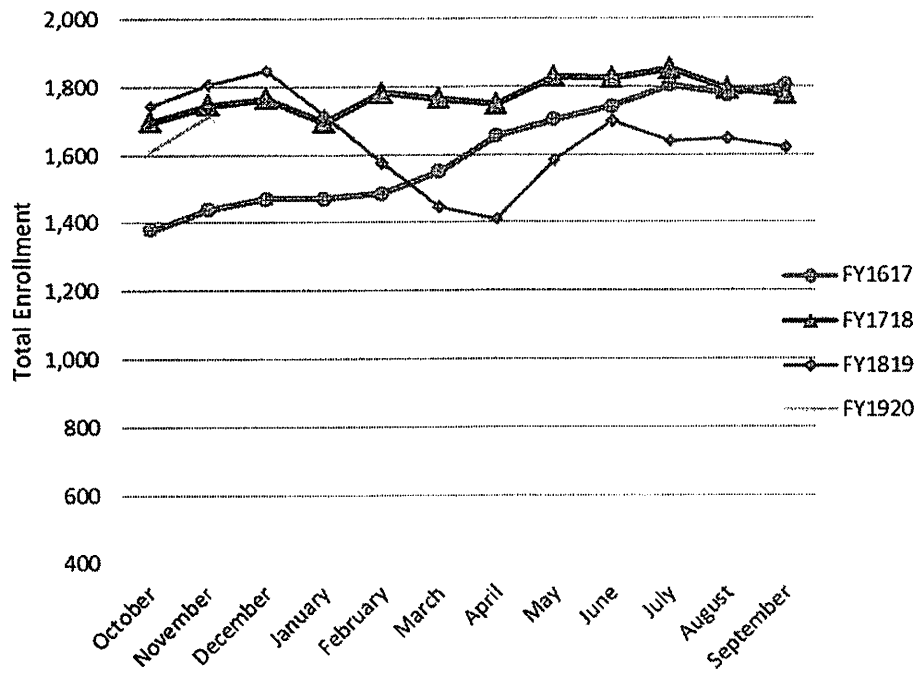
## WVHA Enrollment by Fiscal Year – as of December 1, 2019

### WVHA Enrollment

#### By Fiscal Year

##### Month of Fiscal Year FY1920

October	1,610
November	1,713
December	1,723
January	
February	
March	
April	
May	
June	
July	
August	
September	
<b>Grand Total</b>	<b>5,046</b>



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

WVHA Enrollment by Zip Code by Month								
Zip Code	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
32102	5	5	5	5	4	4	3	3
32130	62	62	53	53	53	48	51	53
32180	106	106	97	98	95	93	97	94
32190	19	19	20	22	23	24	21	20
32706	2	2	2	2	2	2	1	1
32713	64	64	60	64	62	66	71	74
32720	362	362	327	337	334	344	381	395
32721	4	4	3	3	3	4	4	5
32724	285	285	286	289	281	262	292	296
32725	334	334	336	331	333	327	329	312
32728	3	3	3	4	4	4	4	4
32732	1	1	0	0	0	0	0	0
32738	294	294	288	278	275	275	288	296
32744	26	26	25	24	26	25	28	27
32753	1	1	1	1	1	1	1	1
32759	1	1	1	1	0	0	0	0
32763	113	113	112	113	104	104	113	115
32764	15	15	15	15	14	13	13	11
32774	3	3	2	2	2	2	2	2
32762	1	0	0	0	0	0	0	0

## Medical and Prescription Drug Claim Data

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

	FY1920				
Month	Drug Costs	Dispensing Fee Less Copayments	Total Costs	Total Rx's Filled	Avg Cost Per Rx
October	\$123,465.25	-\$1,864.20	\$121,601.05	2,390	\$50.88
November					
December					
January					
February					
March					
April					
May					
June					
July					
August					
September					
Grand Total	\$123,465.25	-\$1,864.20	\$121,601.05	2,390	\$50.88

## Combined Medical Costs (as of Claims Payment through 11/14/2019)

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
FY1920	-\$236,942.22	\$58,479.10	\$147,950.60	\$525,787.25	\$43,404.87	\$121,601.05	\$660,280.65	3,436	\$192.17	-\$68.96	\$17.02	\$43.06	\$153.02	\$35.39
October	\$ (339,593.22)	\$ 40,888.46	\$ 103,635.91	\$ 321,160.59	\$ -	\$121,601.05	\$247,692.79	1,713	\$144.60	-\$198.24	\$23.87	\$60.50	\$187.48	\$70.99
November	\$ 102,651.00	\$ 17,590.64	\$ 44,314.69	\$ 204,626.66	\$ 43,404.87		\$412,587.86	1,723	\$239.46	\$59.58	\$10.21	\$25.72	\$118.76	\$0.00
December														
January														
February														
March														
April														
May														
June														
July														
August														
September														
Grand Total	-\$236,942.22	\$58,479.10	\$147,950.60	\$525,787.25	\$43,404.87	\$121,601.05	\$660,280.65	3,436	\$192.17	-\$68.96	\$17.02	\$43.06	\$153.02	\$35.39

PCP Encounter Claims by Clinic by Month (as of Claims Payment through 11/14/2019)

Month	FY1920					
	NEFHS Deland	NEFHS Deltona	NEFHS Pierson	NEFHS Stone Street	NEFHS Daytona	Total
October	278	334	116	0	13	741
November	205	163	73	0	1	442
December						0
January						0
February						0
March						0
April						0
May						0
June						0
July						0
August						0
September						0
Grand Total	483	497	189	0	14	1,183

PCP encounter claims are reported on a paid basis

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

SPECIALTY CARE SERVICES BY SPECIALTY - TOP 25 FOR November					
Order	SPECIALTY	Unique Patients	Claim Volume	Paid	Cost Per Patient
1	Hematology Oncology	28	56	\$ 51,952.63	\$ 927.73
2	Internal Medicine	41	70	\$ 23,658.73	\$ 337.98
3	Oncology	23	45	\$ 23,313.03	\$ 518.07
4	Surgery Center	21	21	\$ 13,547.54	\$ 645.12
5	Obstetrics & Gynecology	26	40	\$ 12,981.04	\$ 324.53
6	Cardiovascular Diseases	20	22	\$ 8,724.14	\$ 396.55
7	Radiology	140	215	\$ 7,240.99	\$ 33.68
8	Physical & Occupational Therapy	21	70	\$ 6,342.97	\$ 90.61
9	Pulmonary Medicine	29	45	\$ 5,713.13	\$ 126.96
10	Gastroenterology	28	40	\$ 4,919.77	\$ 122.99
11	Orthopedic Surgery	32	42	\$ 4,745.59	\$ 112.99
12	Nurse Anesthetist	27	31	\$ 4,557.83	\$ 147.03
13	Anesthesiology	28	30	\$ 3,977.56	\$ 132.59
14	Pain Management	26	27	\$ 3,862.98	\$ 143.07
15	Urology	14	19	\$ 3,666.92	\$ 193.00
16	Ophthalmology	25	32	\$ 3,619.57	\$ 113.11
17	Infectious Diseases	15	29	\$ 2,308.84	\$ 79.62
18	Dermatology	11	12	\$ 2,271.85	\$ 189.32
19	Nurse Practitioner	24	24	\$ 2,031.52	\$ 84.65
20	Family Practice	18	26	\$ 1,955.62	\$ 75.22
21	Cardiology	14	18	\$ 1,806.67	\$ 100.37
22	Podiatry	13	17	\$ 1,472.23	\$ 86.60
23	Neurology	13	13	\$ 1,272.73	\$ 97.90
24	Physiatrists / Phys Med Dr.	6	6	\$ 1,168.93	\$ 194.82
25	Rheumatology	12	15	\$ 1,129.09	\$ 75.27





UMR

January 16, 2020

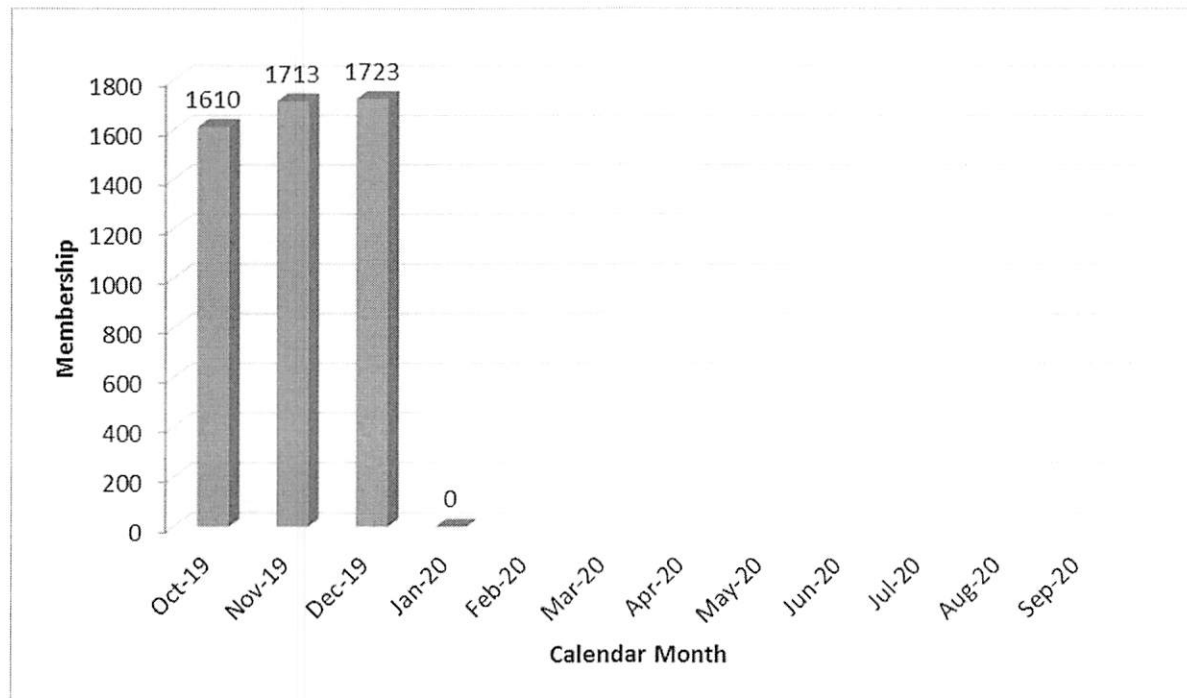
Submission Report for WVHA Board Members

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## WVHA Health Card Program Eligibility – by Calendar Month – as of January 1, 2020

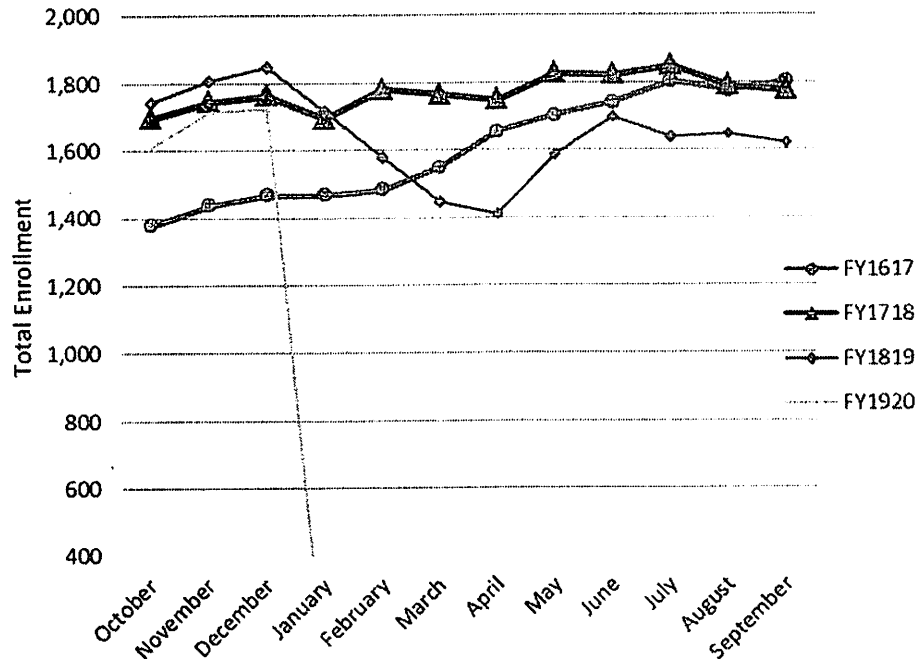
Eligibility reported above reflects eligibility as of the first of each month.



As of January 1, 2020, total program eligibility was 0 patients.

## WVHA Enrollment by Fiscal Year – as of January 1, 2020

WVHA Enrollment By Fiscal Year	
Fiscal Year	
Month of Fiscal Year	FY1920
October	1,610
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January	0
February	
March	
April	
May	
June	
July	
August	
September	
Grand Total	5,046



# WVHA Enrollment by Zip Code – as of January 1, 2020

WVHA Enrollment by Zip Code by Month									
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32130	62	62	53	53	53	48	51	53	0
32180	106	106	97	98	95	93	97	94	0
32190	19	19	20	22	23	24	21	20	0
32706	2	2	2	2	2	2	1	1	0
32713	64	64	60	64	62	66	71	74	0
32720	362	362	327	337	334	344	381	395	0
32721	4	4	3	3	3	4	4	5	0
32724	285	285	286	289	281	262	292	296	0
32725	334	334	336	331	333	327	329	312	0
32728	3	3	3	4	4	4	4	4	0
32732	1	1	0	0	0	0	0	0	0
32738	294	294	288	278	275	275	288	296	0
32744	26	26	25	24	26	25	28	27	0
32753	1	1	1	1	1	1	1	1	0
32759	1	1	1	1	0	0	0	0	0
32763	113	113	112	113	104	104	113	115	0
32764	15	15	15	15	14	13	13	11	0
32774	3	3	2	2	2	2	2	2	0
32762	1	0	0	0	0	0	0	0	0

## Medical and Prescription Drug Claim Data

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

Month	FY1920				
	Drug Costs	Dispensing Fee Less Copayments	Total Costs	Total Rx's Filled	Avg Cost Per Rx
October	\$123,465.25	-\$1,864.20	\$121,601.05	2,390	\$50.88
November	\$111,197.43	-\$1,694.94	\$109,502.49	2,173	\$50.39
December					
January					
February					
March					
April					
May					
June					
July					
August					
September					
Grand Total	\$234,662.68	-\$3,559.14	\$231,103.54	4,563	\$50.65

## Combined Medical Costs (as of Claims Payment through 12/12/2019)

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>FY1920</b>	<b>-\$52,281.61</b>	<b>\$78,522.08</b>	<b>\$214,462.74</b>	<b>\$768,547.13</b>	<b>\$43,404.87</b>	<b>\$231,103.54</b>	<b>\$1,283,758.75</b>	<b>3,436</b>	<b>\$373.62</b>	<b>-\$15.22</b>	<b>\$22.85</b>	<b>\$62.42</b>	<b>\$223.67</b>	<b>\$67.26</b>
October	\$ (339,593.22)	\$ 40,888.46	\$ 103,635.91	\$ 321,160.59	\$ -	\$121,601.05	\$247,692.79	1,713	\$144.60	-\$198.24	\$23.87	\$60.50	\$187.48	\$70.99
November	\$ 102,651.00	\$ 17,590.64	\$ 44,314.69	\$ 204,626.66	\$ 43,404.87	\$109,502.49	\$522,090.35	1,723	\$303.01	\$59.58	\$10.21	\$25.72	\$118.76	\$63.55
December	\$ 184,660.61	\$ 20,042.98	\$ 66,512.14	\$ 242,759.88	\$ -		\$513,975.61	NA	NA	NA	NA	NA	NA	NA
January														
February														
March														
April														
May														
June														
July														
August														
September														
<b>Grand Total</b>	<b>-\$52,281.61</b>	<b>\$78,522.08</b>	<b>\$214,462.74</b>	<b>\$768,547.13</b>	<b>\$43,404.87</b>	<b>\$231,103.54</b>	<b>\$1,283,758.75</b>	<b>3,436</b>	<b>\$373.62</b>	<b>-\$15.22</b>	<b>\$22.85</b>	<b>\$62.42</b>	<b>\$223.67</b>	<b>\$67.26</b>

PCP Encounter Claims by Clinic by Month (as of Claims Payment through 12/12/2019)

Month	FY1920					
	NEFHS Deland	NEFHS Deltona	NEFHS Pierson	NEFHS Stone Street	NEFHS Daytona	Total
October	278	334	116	0	13	741
November	205	163	73	0	1	442
December	163	211	84	0	11	469
January						0
February						0
March						0
April						0
May						0
June						0
July						0
August						0
September						0
Grand Total	646	708	273	0	25	1,652

PCP encounter claims are reported on a paid basis



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

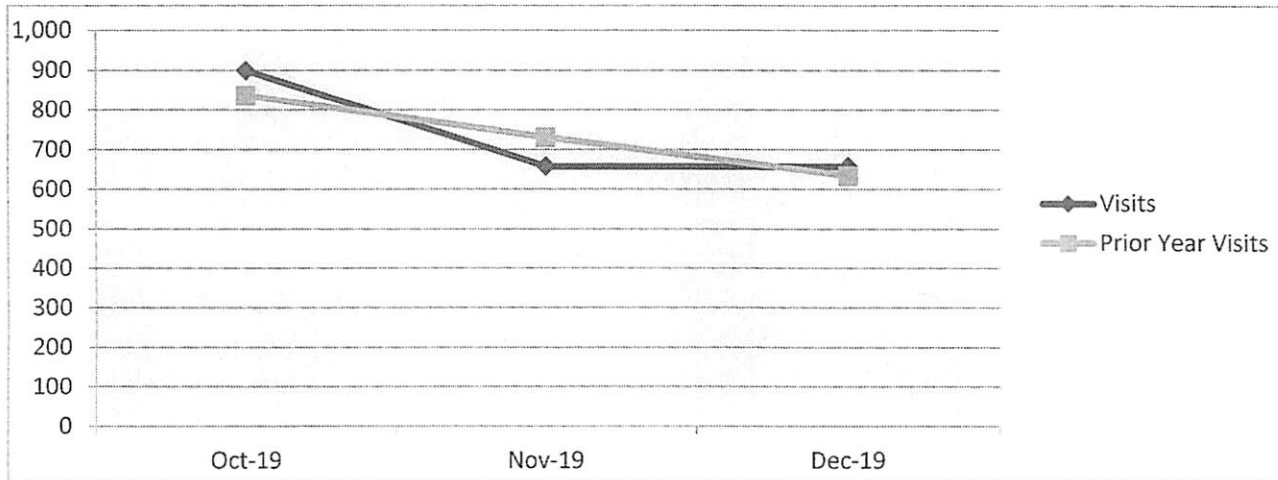
SPECIALTY CARE SERVICES BY SPECIALTY - TOP 25 FOR November					
Order	SPECIALTY	Unique Patients	Claim Volume	Paid	Cost Per Patient
1	Internal Medicine	56	130	\$ 51,631.02	\$ 397.16
2	Oncology	27	46	\$ 30,637.40	\$ 666.03
3	Hematology Oncology	25	46	\$ 27,211.51	\$ 591.55
4	Radiology	207	357	\$ 13,814.91	\$ 38.70
5	Gastroenterology	59	135	\$ 13,421.38	\$ 99.42
6	Surgery Center	23	26	\$ 12,292.92	\$ 472.80
7	Orthopedic Surgery	38	56	\$ 10,303.16	\$ 183.99
8	Pulmonary Medicine	32	58	\$ 10,034.56	\$ 173.01
9	Pain Management	38	47	\$ 8,261.78	\$ 175.78
10	Cardiovascular Diseases	31	44	\$ 7,607.32	\$ 172.89
11	Obstetrics & Gynecology	24	35	\$ 6,305.21	\$ 180.15
12	Rheumatology	36	51	\$ 5,099.13	\$ 99.98
13	Ophthalmology	33	38	\$ 5,004.75	\$ 131.70
14	Physical & Occupational Therapy	19	64	\$ 4,395.69	\$ 68.68
15	Infectious Diseases	12	49	\$ 3,851.29	\$ 78.60
16	Nurse Practitioner	42	47	\$ 3,847.73	\$ 81.87
17	Anesthesiology	26	28	\$ 3,830.84	\$ 136.82
18	Urology	19	29	\$ 3,605.91	\$ 124.34
19	Family Practice	30	68	\$ 2,892.66	\$ 42.54
20	Neurology	22	23	\$ 2,077.83	\$ 90.34
21	Optometry	19	21	\$ 2,009.41	\$ 95.69
22	Podiatry	11	20	\$ 1,977.40	\$ 98.87
23	Nurse Anesthetist	18	18	\$ 1,735.50	\$ 96.42
24	Pathology	8	13	\$ 1,587.38	\$ 122.11
25	Cardiology	13	14	\$ 1,253.53	\$ 89.54



**Northeast Florida Health Services**  
*December-19*

**Patient Visits**

	Oct-19	Nov-19	Dec-19
Visits	899	658	657
Prior Year Visits	836	731	634

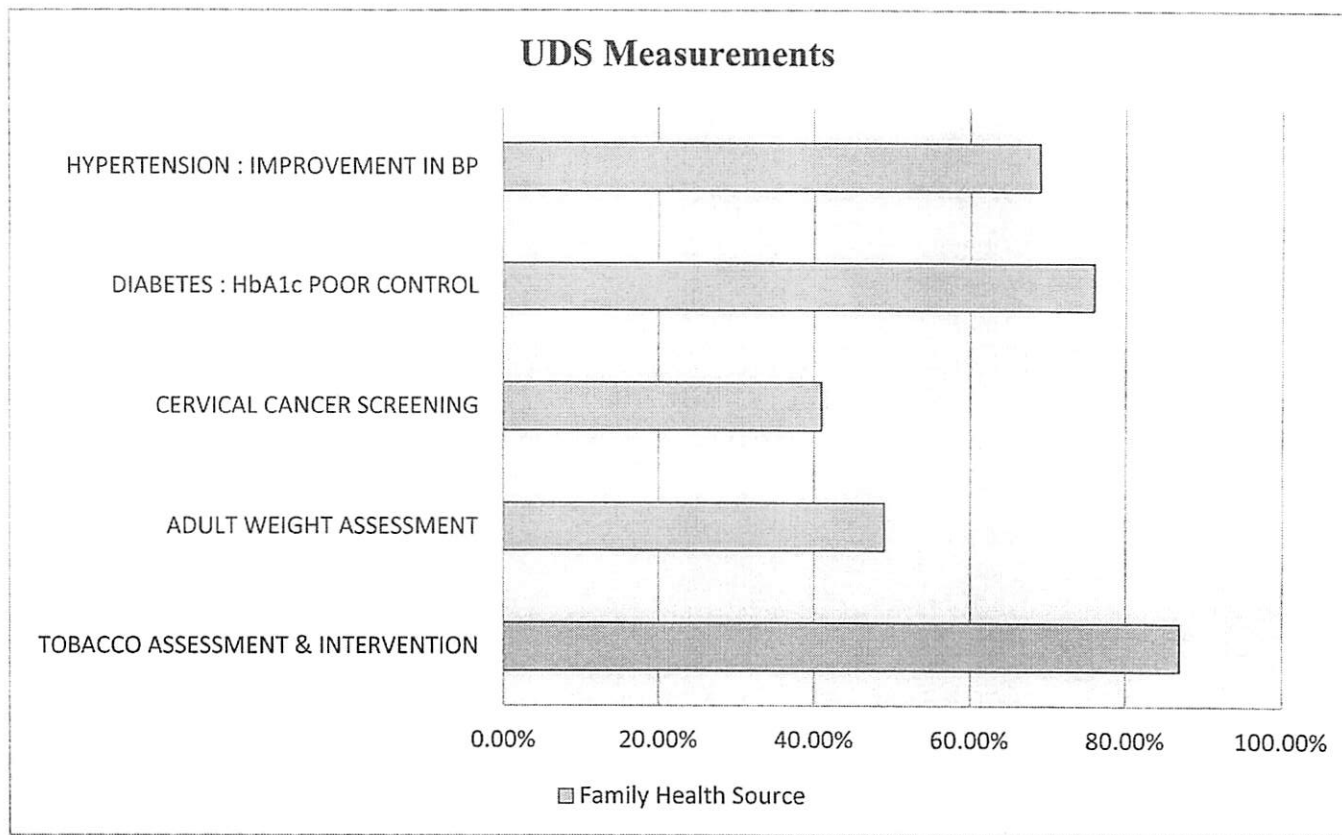


**Patient Visits by Location**

Location	Oct-19	Nov-19	Dec-19
Deland Medical	374	253	223
Deltona Medical	351	263	305
Pierson Medical	161	132	114
Daytona	13	10	15
<b>Total</b>	<b>899</b>	<b>658</b>	<b>657</b>

### UDS Measures

Clinical Measures for the month of November 2019	Family Health
TOBACCO ASSESSMENT & INTERVENTION	87.00%
ADULT WEIGHT ASSESSMENT	49.00%
CERVICAL CANCER SCREENING	41.00%
DIABETES : HbA1c POOR CONTROL	76.00%
HYPERTENSION : IMPROVEMENT IN BP	69.00%



### 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

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

### Pharmacy

1205 S. Woodland Blvd.  
Suite 5  
DeLand, FL 32720  
(386) 888-4912  
Fax: (386) 269-9950

### Dental

1205 S. Woodland Blvd.  
DeLand, FL 32720  
(386) 888-4911  
Fax: (386) 269-9951

### Administration

1205 S. Woodland Blvd.  
Suite 3  
DeLand, FL 32720  
(386) 202-6025  
Fax: (386) 269-4149



"GROWING WELLNESS IN OUR COMMUNITIES"

## WVHA Prescription Audit- OCT 2019-DEC 2019

	Oct-19	Nov-19	Dec-19	Total
Total Scripts:	2344	2320	1825	6865
Script Sample:	20	20	20	60
Specialist Scripts:	3	3	2	8
Total Acute Scripts:	6	5	4	15
Total Chronic Scripts:	11	12	14	37
Total Rx filled correctly:	20	20	20	60
Total Scripts filled in error:	0	0	0	0

\*All 37 chronic scripts written and filled for 90 days or more



**Nurturing Families  
Building Communities**

**The House Next Door**  
*Serving  
Volusia and Flagler Counties*

Administrative  
Offices 804  
North Woodland  
Blvd. DeLand, FL  
32720  
386-734-7571  
386-734-0252 (fax)

DeLand Counseling Center  
121 W. Pennsylvania Ave.  
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)



COURTESY • INTEGRITY • ACHIEVEMENT



December 5, 2019

West Volusia Hospital Authority

Monthly Enrollment Report

In the month of November there were 293 appointments to assist with new applications and 49 appointments to assist with pended applications from October-November. For a total of 342 face to face contact with clients.

244 applications were submitted for verification and enrollment. Of these, 272 were processed by the end of the month (includes the roll overs -72- from previous month) leaving the balance of 44 to roll over into December for approval.

Of the 272 that were processed, 253 were approved and 13 were denied. The remaining 6 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



**Nurturing Families  
Building Communities**

**The House Next Door**  
*Serving  
Volusia and Flagler Counties*

Administrative

Offices 804

North Woodland

Blvd. DeLand, FL

32720

386-734-7571

386-734-0252 (fax)

DeLand Counseling Center

121 W. Pennsylvania Ave.

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)



COURTESY • INTEGRITY • COMMITMENT



January 6, 2020

West Volusia Hospital Authority

## Monthly Enrollment Report

In the month of December there were 298 appointments to assist with new applications and 49 appointments to assist with pended applications from November-December. For a total of 347 face to face contact with clients.

249 applications were submitted for verification and enrollment. Of these, 258 were processed by the end of the month (includes the roll overs -44- from previous month) leaving the balance of 35 to roll over into January 2020 for approval.

Of the 258 that were processed, 230 were approved and 12 were denied. The remaining 16 were pended and letters were sent out to the clients.

The last data entry into the UMR System was done on December 23, 2019.

We are currently still waiting on access to the EBMS System to begin enrolment in the new system.

We have been working closely with Rose Alberts of EBMS. HND Requested a Member Census of all members on December 10<sup>th</sup> from UMR, it was fwd to Rose to get the initiating card generated, these were sent out the End of December. Members reported to HND of receiving new cards January 2, 2020.

Respectfully submitted by Gail Hallmon

**First Quarter 2019-2020**

	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>		
<b># Appts.</b>	365	347	347	1,059	
<b># Submitted</b>	361	249	249	859	
<b># Processed*</b>	300	258	258	816	
<b># Approved</b>	281	230	230	741	91%
<b># Pended</b>	4	16	16	36	4%
<b># Denied</b>	15	12	12	39	5%
<b># Carried Over</b>	72	35	35		
<b>Days to Process</b>	7	7	**		

*\* #s processed include carry overs from previous month*

*\*\* Unable to enroll in EBMS at this point*

The last data entry into the UMR system was December 23, 2019. As of Monday we were given a temporary method to manually/paper enroll clients into EBMS. They are expecting to have the data system ready this week for electronic enrollment.

We have been working closely with EBMS to complete the transition. HND requested a member census of all members on December 10th from UMR that was forwarded to EBMS to enable EBMS to generate membership cards for current members. Members reported receiving the cards beginning January 2, 2020.



# 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/CFP®  
Melissa J. Trickey, CPA

January 16, 2020

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

This letter documents our agreement, as administrators for the West Volusia Hospital Authority, to perform these agreed-upon procedures related to grantee site visits for the fiscal year of 2019-20. The procedures are enumerated below. We will meet with you as needed to discuss the agreed-upon procedures, results, and other issues that may arise.

- Inquire and document as to the grantee's monitoring procedures with respect to contract compliance.
- Select a sample of transaction and test compliance with contract provisions.
- Prepare a written report summarizing the results with recommendations to the Board of Commissioners.

Our engagement to apply agreed-upon procedures will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described above either for the purpose for which this report has been requested or for any other purpose. If, for any reason, we are unable to complete the procedures, we will describe any restrictions on the performance of the procedures in our report, or will not issue a report as a result of this engagement.

Because the agreed-upon procedures listed above do not constitute an examination, we will not express an opinion on financial statements. In addition, we have no obligation to perform any procedures beyond those listed above.

#### MEMBERS

American Institute of  
Certified Public Accountants

the *CPA Alliance* network

Florida Institute of  
Certified Public Accountants

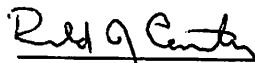


We will submit a report listing the procedures performed and our findings. This report is intended solely for the use of West Volusia Hospital Authority and should not be used by anyone other than this specified party. Our report will contain a paragraph indicating that had we performed additional procedures, other matters might have come to our attention that would have been reported to you. The documentation for this engagement is the property of Dreggors, Rigsby & Teal, P.A. and constitutes confidential information. If requested, access to such attest documentation will be provided under the supervision of Dreggors, Rigsby & Teal, P.A. personnel. Furthermore, upon request, we may provide copies of selected documentation to West Volusia Hospital Authority. West Volusia Hospital Authority may intend, or decide, to distribute the copies or information contained therein to others at their own discretion.

Our fee for these services will be based upon our prevailing standard hourly rates for the particular staff employed.

We appreciate the opportunity to assist you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. If the need for additional procedures arises, our agreement with you will need to be revised. It is customary for us to enumerate these revisions in an addendum to this letter.

Acknowledged:



Dreggors, Rigsby & Teal, P.A.

\_\_\_\_\_  
West Volusia Hospital Authority

\_\_\_\_\_  
Date

APPLICATION FOR THE WVHA CITIZENS ADVISORY  
COMMITTEE

NAME: Joyce Cusack

ADDRESS: 1600 Timber Hills Drive DeLand, FL 32724

HOW LONG HAVE YOU BEEN A WEST VOLUSIA COUNTY  
RESIDENT: Lifelong

HOME PHONE: 386-734-9517 CELL PHONE: 386-747-7101

WORK PHONE: Retired

EMAIL ADDRESS: jcusack@totcon.com

ADDITIONAL INFORMATION (COMMUNITY AFFILIATIONS,  
EDUCATION, PROFESSIONAL BACKGROUND) THAT YOU FEEL  
WOULD ASSIST THE BOARD OF COMMISSIONERS IN MAKING A  
FINAL DETERMINATION:

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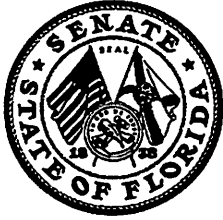
Registered Nurse

Formal State Legislator

Formal Volusia County Council Member

For additional information see my Wikipedia page

**BILL GALVANO**  
President of the Senate



Senator Dennis Baxley  
Senator Tom Lee  
Senator Bill Montford  
Senator Kevin Rader

**THE FLORIDA LEGISLATURE**  
**JOINT LEGISLATIVE AUDITING COMMITTEE**

**Representative Jason Fischer, Chair**  
**Senator Jeff Brandes, Vice Chair**

**JOSE OLIVA**  
Speaker of the House



Representative Michael Caruso  
Representative Chip LaMarca  
Representative Sharon Pritchett  
Representative Bob Rommel  
Representative Jackie Toledo  
Representative Patricia Williams

December 17, 2019

Sherrill F. Norman, CPA  
Auditor General  
111 West Madison Street  
Room G-74, Claude Pepper Building  
Tallahassee, Florida 32399-1450

Dear Ms. Norman:

During the Joint Legislative Auditing Committee (Committee) meeting held on December 12, 2019, the Committee adopted a motion to direct your office to perform an operational audit of the West Volusia Hospital Authority.

The Committee authorized you to finalize the scope of the audit during the course of the audit, providing that the audit-related concerns of Representative Sabatini are addressed.

If you have any questions, please do not hesitate to contact me at 487-4110.

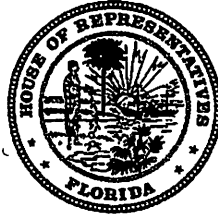
Best regards,

A handwritten signature in cursive script that reads "Kathryn H. DuBose".

Kathryn H. DuBose  
Coordinator

Enclosures

cc: The Honorable Anthony Sabatini, The Florida House of Representatives  
Ronald Cantlay, Registered Agent, West Volusia Hospital Authority



# **Representative Anthony Sabatini**

## **Florida House of Representatives**

### **District 32**

**District Office:**  
1172 S Grand Hwy  
Clermont, FL 34711  
(352) 989-9100  
(352) 989-9102 (fax)

**Tallahassee Office:**  
1101 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399  
(850) 717-5032

[Anthony.Sabatini@MyFloridaHouse.Gov](mailto:Anthony.Sabatini@MyFloridaHouse.Gov)

November 21, 2019

**RE: Operational Audit Request - West Volusia Hospital Authority**

**Chairman Jason Fischer and Chairman Jeff Brandes**  
**Joint Legislative Auditing Committee**  
**876 Pepper Building**  
**111 W. Madison Street**  
**Tallahassee, FL 32399-1400**

**Dear Chairman Fischer and Chairman Brandes:**

The purpose of this letter is to request an Operational Audit for the West Volusia Hospital Authority. The Hospital Authorities mailing address is P.O. Box 940, DeLand, FL 32721-0940. The Hospital Authority fails to respond to public records requests, fails to track money or keep receipts on money that is allocated for specific items, spends money outside of their healthcare responsibilities, and has removed a member from the citizen advisory panel for asking questions about where the money was going. These are just a few reasons, out of many, that I am wanting the audit done. I have spoken with Representative Renner as well as the other delegation members about my concerns and they are aware of my desire to move forward.

Thank you in advance for considering this request; please do not hesitate to contact me with questions or concerns, (352) 455-2928. I look forward to hearing from you.

Respectfully Yours,

A handwritten signature in black ink, appearing to be "A. Sabatini", written over a horizontal line.

**Representative Anthony Sabatini**

***Proudly Serving Lake County***

**Commerce Committee ~ Criminal Justice Subcommittee ~ Gaming Control Subcommittee**  
**Government Operations & Technology Appropriations Subcommittee ~ Local Administration Subcommittee**  
**Workforce Development & Tourism Subcommittee**

## STAFF ANALYSIS

**Date:** December 9, 2019

**Subject:** Request for an Operational Audit of the West Volusia Hospital Authority

Analyst            Coordinator

White <sup>DW</sup>            DuBose <sup>KD</sup>

### I. Summary:

The Joint Legislative Auditing Committee (Committee) has received a request from Representative Anthony Sabatini to have the Committee direct the Auditor General to conduct an operational audit of the West Volusia Hospital Authority.

### II. Present Situation:

#### Current Law

Joint Rule 4.5(2) provides that the Legislative Auditing Committee may receive requests for audits and reviews from legislators and any audit request, petition for audit, or other matter for investigation directed or referred to it pursuant to general law. The Committee may make any appropriate disposition of such requests or referrals and shall, within a reasonable time, report to the requesting party the disposition of any audit request.

Joint Rule 4.5(1) provides that the Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an audit, review, or examination of any entity or record described in Section 11.45(2) or (3), *Florida Statutes*.

Section 11.45(3)(a), *Florida Statutes*, provides that the Auditor General may, pursuant to his or her own authority, or at the discretion of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of the accounts and records of any governmental entity created or established by law.

Section 11.45(2)(j), *Florida Statutes*, provides, in part, that the Auditor General shall conduct a follow-up to his or her audit report on a local governmental entity no later than 18 months after the release of the audit report to determine the local governmental entity's progress in addressing the findings and recommendations contained in the previous audit report.

#### Request for an Audit of the West Volusia Hospital Authority

Representative Sabatini has requested the Committee to direct an operational audit of the West Volusia Hospital Authority. He stated that "[t]he Hospital Authority fails to respond to public records requests, fails to track money or keep receipts on money that is allocated for specific items, spends money outside of their healthcare responsibilities, and has removed a member from the citizen advisory panel for asking

questions about where the money was going.”<sup>1</sup> In addition, he stated that he has spoken to members of the Volusia County Legislative Delegation, and they are aware of his audit request.<sup>2</sup>

## **Background**

### **West Volusia Hospital Authority**

The West Volusia Hospital Authority (Authority) is an independent special district in Volusia County, Florida, created in 1957 by Chapter 57-2085, *Laws of Florida*.<sup>3</sup> Chapter 2004-421, *Laws of Florida*, codified all prior special acts related to the Authority and recreated and reenacted the charter for the Authority. The Authority’s purpose is to provide access to health care for the qualified indigent residents within the Authority’s geographic boundaries, the western portion of Volusia County, Florida (West Volusia).<sup>4</sup> <sup>5</sup> The Authority is governed by a five-member Board of Commissioners (Board),<sup>6</sup> each elected for four-year terms and not compensated for their service.<sup>7</sup> The Authority is “enabled to acquire, construct, operate, and maintain hospitals, healthcare facilities, or contract with third parties for the care of medically indigent persons in the Authority’s district, and to levy taxes and issue bonds to finance healthcare facilities’ operations, and to participate in other activities to promote the general health of the district.”<sup>8</sup>

The Authority does not directly own or manage any hospital or clinic.<sup>9</sup> It is funded by ad valorem (property) taxes and provides funding to hospitals and contracted agencies to support health care for eligible low-income residents of the taxing district as follows:<sup>10</sup>

#### **Hospitals and Clinics:**

- Grants funding to AdventHealth DeLand and Florida Hospital-Fish Memorial<sup>11</sup> through a 20-year contract signed in September 2000
- Contracts with the Florida Agency for Health Care Administration (AHCA) to obtain matching funds for its grants to the hospitals and some other funded agencies
- Provides funding to Northeast Florida Health Services, Inc. (d/b/a Family Health Source), a Federally Qualified Health Center, to provide primary care and pre-natal OB/GYN services to low-income residents of West Volusia

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<sup>1</sup> Letter from State Representative Anthony Sabatini to Chairman Jason Fischer and Chairman Jeff Brandes, Joint Legislative Auditing Committee (November 21, 2019) (on file in Committee Office).

<sup>2</sup> *Id.*

<sup>3</sup> Note (1)(a) to the Financial Statements; *West Volusia Hospital Authority Financial Statements, September 30, 2018*, page 11.

<sup>4</sup> West Volusia Hospital Authority’s website: <https://westvolusiahospitalauthority.org/> (last visited December 9, 2019).

<sup>5</sup> The geographic boundaries are set forth in Section 3 of Chapter 2004-421, *Laws of Florida* [Section 1 of the Authority’s Charter.]

<sup>6</sup> Chapter 2004-421, Section 2, *Laws of Florida*.

<sup>7</sup> West Volusia Hospital Authority’s website: <https://westvolusiahospitalauthority.org/economic-impact/> (last visited December 9, 2019).

<sup>8</sup> See *supra* note 4.

<sup>9</sup> West Volusia Hospital Authority’s website: <https://westvolusiahospitalauthority.org/about-us/> (last visited December 9, 2019).

<sup>10</sup> *Id.*

<sup>11</sup> This is the former name; it is now AdventHealth Fish Memorial.

Medicaid and Health Care Responsibility Act:

- Fulfills the obligation of Volusia County to fund Medicaid claims and Health Care Responsibility Act claims for residents of West Volusia

Other Funded Agencies:

- In the 2018-19 fiscal year, the Authority funded the following local agencies that serve the health care needs of the community:
  - Community Legal Services of Mid-Florida
  - The Florida Department of Health - Dental Care
  - The House Next Door - community-based mental health services
  - The Neighborhood Center - provide outreach services for access to health care
  - Stewart Marchman-Act - behavioral health care services
  - Healthy Communities - facilitating access to health care for children of low-income families and providing health education
  - Healthy Start Coalition of Flagler and Volusia - Family services, prenatal care, postnatal care, outreach services
  - Hispanic Health Initiative - Health Risk Assessment, case management, educational services
  - Rising Against All Odds - HIV/Aids Outreach Program

The Authority has established a Citizens Advisory Committee (CAC), which is composed of ten members appointed by the Board and who serve at the pleasure of the Board.<sup>12</sup> The Board may expand, reduce or abolish the CAC or replace any member without stating a cause.<sup>13</sup> Each Board member nominates two prospective members for the CAC for the Board's consideration, members of the CAC serve during the term of office of the Board member who nominated them, and there is no limit to the number of terms a person may serve on the Committee.<sup>14</sup> The CAC makes recommendations to the Board on which local agencies receive funding from the Authority.<sup>15</sup>

The Authority utilizes a "Health Card" Program to serve the qualified residents of West Volusia. In order to qualify for a "Health Card," individuals must have lived in West Volusia for at least three months, or one month if homeless, and be below, equal, or up to 150% of the Federal Poverty Level Guidelines for the respective family size.<sup>16</sup> The benefits of using the "Health Card" are: (1) \$4 clinic visits; (2) \$1 prescription medicines; (3) \$10 emergency room visits; and (4) \$6 specialist visits.<sup>17</sup> The Authority gives additional funds<sup>18</sup> to two of the organizations, The House Next Door and Rising Against All Odds, to help screen potential "Health Card" recipients.<sup>19</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Nikki Ross, *West Volusia Hospital Authority ousts 'disrespectful' committee member*, The Daytona Beach News-Journal, June 19, 2019.

<sup>16</sup> West Volusia Hospital Authority's website: <https://westvolusiahospitalauthority.org/wvha-health-card-application/> (last visited December 9, 2019).

<sup>17</sup> *Id.*

<sup>18</sup> \$18 for each person screened; the Authority's current budget allocates more than \$350,000 for screening.

<sup>19</sup> See *supra* note 15.

## **Recent Concerns, Events, and Other Information**

### **Concerns**

As mentioned previously, Representative Sabatini has expressed concerns relating to the following areas:

- Failure to respond to public records requests;
- Failure to track money or keep receipts on money that is allocated for specific items;
- Expenditures on areas outside of its healthcare responsibilities, and
- Removal of a member from the citizen advisory panel for asking questions about where the money was going.

The local news organizations covered the removal of the member from the Authority's CAC and, in part, reported the following:

- At a CAC meeting in May 2019, the CAC member asked numerous questions of various organizations that receive and/or have requested funding from the Authority, including: (1) how many individuals being served through the Authority's "Health Card" program are: (a) indigent and (b) undocumented immigrants; (2) did the organization receive funds from any entity other than the Authority; and (3) why the countywide organizations were not receiving funding from the other two health-related taxing districts in Volusia County (Halifax Health Taxing District<sup>20</sup> and Southeast Volusia Hospital District).<sup>21</sup> <sup>22</sup> He reportedly had previously stated that he wanted to bring transparency and accountability to the Authority, and that the Authority has the highest tax rate of all three health-related special taxing districts in Volusia County.<sup>23</sup>
- Subsequently, at its May 16, 2019, meeting the Board voted 3-1,<sup>24</sup> with one Board member absent,<sup>25</sup> to remove the CAC member from the CAC for allegedly violating Florida's Sunshine Law when he sent back a reply to an email from one Board member regarding the CAC meeting to the entire Board at once.<sup>26</sup> The Sunshine Law prohibits two or more members of the same board from discussing in private any matter the body could take action on in the future, including via email.<sup>27</sup> The President of the First Amendment Foundation stated that "only a court can decide if someone has broken the Sunshine Law, not a committee or board... in this case, it's kind of questionable"... "I can't say whether it's a violation because they ([the CAC member] and [Board member who sent email]) didn't solicit a response in their email. It's not a clear cut and dry case."<sup>28</sup>
- The Board Chair stated that the CAC member "disrespected the agencies that work in the community and help the people of West Volusia...He has an agenda to destroy the [Authority]."<sup>29</sup> She also stated that, "We don't need shows on the [CAC]. We need a team that works together to help the commissioners make the right decision on who they are going to fund and what they are going to

<sup>20</sup> Official name is Halifax Hospital Medical Center per the Official List of Special Districts Online maintained by the Special District Accountability Program, Department of Economic Opportunity.

<sup>21</sup> See *supra* note 15.

<sup>22</sup> Nikki Ross, *WVHA to discuss dissolving during Thursday's meeting*, The Daytona Beach News-Journal, November 13, 2019.

<sup>23</sup> See *supra* note 15.

<sup>24</sup> *Id.*

<sup>25</sup> See *supra* note 22.

<sup>26</sup> See *supra* note 15.

<sup>27</sup> Anthony DeFeo, *Citizen kicked off hospital district advisory board*, The West Volusia Beacon, June 26, 2019.

<sup>28</sup> See *supra* note 15.

<sup>29</sup> *Id.*



fund.”<sup>30</sup> Another Board member stated that the CAC member “has a history of being a rabble-rouser.”<sup>31</sup>

- Another CAC member recalled the “uncivil tone” of the CAC meeting and stated that she felt “there were a lot of insults being hurled around.”<sup>32</sup>
- At the Authority’s June 20, 2019, meeting, several citizens spoke in support of the then former CAC member, stating that: (1) he and the Board member who appointed him are “the only ones asking penetrating questions of organizations requesting funding from the [A]uthority;” (2) “[i]n the middle of [his] questioning, he was summarily shut down” and the Authority needed to “join him in providing oversight;” and (3) the former CAC member, who the citizen had known for more than 10 years, “does checks and balances for everything he does, and he does it well” and he is “not a rabble-rouser.”<sup>33</sup>
- The Authority Board member who appointed the now former CAC member stated that “My perspective is if you are an organization receiving tax dollars you have to be open to answering questions about accountability.”<sup>34</sup>

In addition, there have been various news articles over the past two years regarding the Authority’s increase in the ad valorem tax rate and expenditures:<sup>35 36 37</sup>

- “The number of residents using the [A]uthority’s services decreased after the Affordable Care Act [(ACA)] went into effect. But the [A]uthority offered more services, believing the community’s health needs were still unmet.”
- “[E]nrollment declined significantly in 2013 after the [Authority] began asking clients to apply for ACA insurance before they could get [A]uthority benefits. As the uninsured rate fell, so did participation in the Authority’s [H]ealth [C]ard program.”
- “Flushed with cash and a shrinking list of clients, the [A]uthority was in a unique position at the end of [FY 2014-15]. Board members modestly lowered taxes two out of the last three years.”
- “The [Authority’s] auditors noted [the Authority had] stockpiled nearly \$12.3 million in a reserve fund because [it] routinely spent less than budgeted. The auditor[s] said it was five times more than the suggested minimum. [The Board] concluded it wouldn’t hurt to spend some of it down.”
- “Community ‘outreach’ became a more prominent goal of the [A]uthority, too. All except one [B]oard member... agreed to hire the marketing firm... in late 2016 to increase [the Authority’s] visibility in the local area. The marketing campaign, which cost... close to \$100,000, included two 30-second commercials, bus bench and billboard advertisements.” “Enrollment rose “[s]eemingly overnight, and before the effort could get fully off the ground.”
- The Board approved a “49 percent tax increase” in September 2017 to support a “\$20 million budget.”
- A number of taxpayers were quoted as calling the large tax increase: (1) “absolutely ludicrous,” (2) “not justifiable,” (3) “a burden to taxpayers,” and (4) a hike arising “out of corporate greed.”

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> See *supra* note 27.

<sup>33</sup> *Id.*

<sup>34</sup> See *supra* note 15.

<sup>35</sup> Mike Finch II, *West Volusia Hospital Authority faces \$20M problem*, The Daytona Beach News-Journal, September 3, 2017/Updated September 4, 2017.

<sup>36</sup> Nikki Ross, *Future of West Volusia Hospital Authority at stake in elections*, The Daytona Beach News-Journal, October 14, 2018.

<sup>37</sup> Nikki Ross, *Distracted West Volusia Hospital Authority board lowers tax rate but residents want board dissolved*, The Daytona Beach News-Journal, September 27, 2019/Updated October 1, 2019.

- In late September 2019, the Board passed “a tax rate of 1.91, a 5.56% decrease from the rolled-back rate of 2.02” which will bring in just below \$19.5 million to serve around 1,600 residents enrolled in the [Authority’s ‘Health Card’] program.
- The Board Chair stated that “the rate approved is the lowest [the Board was] able to go” and she “wish[ed they] could lower the amount more...but unfortunately at this time [she didn’t] see how [they] can do that...There’s so much mental health issues in this county and addiction opioid issues, I hate to just not fund that.”
- The decrease was not enough to for some residents who are still fired up over the 49% increase the Board approved in 2017 and the removal of the CAC member in May, with some even calling for the Authority to be dissolved. One taxpayer, referencing the removal of the CAC member in May after he questioned how the Board held its applicants responsible for the use of taxpayer funds, stated “For that effort, he was shut down and [was told] this is not the place to ask those questions...If that’s not the place, and if that’s not the time to ask those questions and to do due diligence on the money that [the Authority is] spending, which is all of our money, then this [B]oard should not even exist.”

#### Other Information<sup>38</sup>

Fiscal Year	Final Millage Rate	Budgeted Ad Valorem Tax Revenue	Actual Ad Valorem Tax Revenue	General Fund - Fund Balance at Fiscal Year-End
2019-20	1.9080 <sup>39</sup>	\$19,350,000 <sup>40</sup>	not yet available	not yet available
2018-19	2.1751 <sup>41</sup>	\$20,194,000 <sup>42</sup>	not yet available	not yet available
2017-18	2.3660 <sup>43</sup>	\$19,910,000	\$20,092,455	\$10,041,488
2016-17	1.5900 <sup>44</sup>	\$12,500,000	\$12,510,790	\$ 6,578,929
2015-16	1.6679 <sup>45</sup>	\$12,225,000	\$12,435,674	\$10,499,331
2014-15	1.9237 <sup>46</sup>	\$13,500,000	\$13,638,830	\$12,297,627

The *Management’s Discussion and Analysis* in the Authority’s FY 2016-17 audit report stated that “[f]or the September 30, 2018 fiscal year, the Board set its final millage rate at 2.366 mills which was 48.8% greater than the 2017 millage rate.”<sup>47</sup>

<sup>38</sup> Source of dollar amounts for each fiscal year is page 10 of the *Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual* in the respective fiscal year audit report, unless otherwise noted.

<sup>39</sup> West Volusia Hospital Authority Final Budget 2019-2020, available on the West Volusia Hospital Authority’s website: <https://westvolusiahospitalauthority.org/budget/> (last visited December 9, 2019).

<sup>40</sup> *Id.*

<sup>41</sup> *Management’s Discussion and Analysis; West Volusia Hospital Authority Financial Statements, September 30, 2018*, page 7.

<sup>42</sup> West Volusia Hospital Authority Final Budget 2018-19, available on the West Volusia Hospital Authority’s website: <https://westvolusiahospitalauthority.org/budget/> (last visited December 9, 2019)

<sup>43</sup> *Management’s Discussion and Analysis; West Volusia Hospital Authority Financial Statements, September 30, 2017*, page 7.

<sup>44</sup> *Management’s Discussion and Analysis; West Volusia Hospital Authority Financial Statements, September 30, 2016*, page 7.

<sup>45</sup> *Management’s Discussion and Analysis; West Volusia Hospital Authority Financial Statements, September 30, 2015*, page 7.

<sup>46</sup> *Management’s Discussion and Analysis; West Volusia Hospital Authority Financial Statements, September 30, 2014*, page 7.

<sup>47</sup> See *supra* note 43.

### **Financial Audit**

The Authority has obtained annual financial audits of its accounts and records by an independent certified public accountant (CPA) and has submitted the audit reports to the Auditor General's Office in accordance with Section 218.39(1), *Florida Statutes*.<sup>48</sup> The most recent financial audit report submitted to the Auditor General is for the 2017-18 fiscal year and included the audit finding listed below:<sup>49</sup>

- *Funding Agreements:* During audit testing of funding agreements entered into by the Authority, the auditors noted that the reimbursements paid to two of the grantees were in excess of the amount allowable per the funding agreements. The auditors recommend that, while all expenses are reviewed and approved by the Board, formal amendments to funding agreements be obtained to document any changes to the original funding amounts and terms. [Note: This finding was first reported in the prior year's audit report.]

#### *Summary of Certain Financial Information Included in the Authority's Audit Report:*

- "Net position, the excess of assets over liabilities, [was] \$10,515,219 at the close of the fiscal year."<sup>50</sup>
- As a result of the current year's operations, the Authority's net position increased \$3,462,188 from the last fiscal year. The Authority's cash and cash equivalents increased \$3,464,789 from the previous year. Accounts payable at [fiscal] year end increased by \$580,251 due to the fact that there were some unexpected hospital claims that had not been paid.<sup>51</sup>
- Investment income is extremely low due to historically low interest rates. The Authority is keeping most of its funds in a money market account in an effort to maximize earnings, while protecting the Authority's assets.<sup>52</sup>
- Healthcare expenditures were consistent with the prior year. The Authority continues to require health card applicants to apply for coverage under the Affordable Care Act. This requirement became effective starting January 1, 2014."<sup>53</sup>
- "For the [2018-19] fiscal year, the Board set its final millage rate at 2.1751 mills which was the rollback rate with a 0% increase."<sup>54</sup>

### **Other Considerations**

The Auditor General, if directed by the Committee, will conduct an operational audit as defined in Section 11.45(1)(i), *Florida Statutes*, and take steps to avoid duplicating the work efforts of other audits being performed of the Authority's operations, such as the annual financial audit. The primary focus of a financial audit is to examine the financial statements in order to provide reasonable assurance about whether they are fairly presented in all material respects. The focus of an operational audit is to evaluate

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<sup>48</sup> Pursuant to Section 218.39(7), *Florida Statutes*, these audits are required to be conducted in accordance with rules of the Auditor General promulgated pursuant to Section 11.45, *Florida Statutes*. The Auditor General has issued *Rules of the Auditor General, Chapter 10.550 - Local Governmental Entity Audits* and has adopted the auditing standards set forth in the publication entitled *Government Auditing Standards* (2011 Revision) as standards for auditing local governmental entities pursuant to Florida law.

<sup>49</sup> Independent Auditors' Management Letter Required by Chapter 10.550, Rules of the State of Florida Office of the Auditor General, *West Volusia Hospital Authority Financial Statements, September 30, 2018*, page 20.

<sup>50</sup> See *supra* note 41.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*, page 7.

management's performance in establishing and maintaining internal controls and administering assigned responsibilities in accordance with laws, rules, regulations, contracts, grant agreements, and other guidelines. Also, in accordance with Section 11.45 (2)(j), *Florida Statutes*, the Auditor General will be required to conduct an 18-month follow-up audit to determine the Authority's progress in addressing the findings and recommendations contained within the previous audit report.

The Auditor General has no enforcement authority. If fraud is suspected, the Auditor General may be required by professional standards to report it to those charged with the Authority's governance and also to appropriate law enforcement authorities. Audit reports released by the Auditor General are routinely filed with law enforcement authorities. Implementation of corrective action to address any audit findings is the responsibility of the Authority's governing board and management, as well as the citizens living within the boundaries of the Authority. Alternately, any audit findings that are not corrected after three successive audits are required to be reported to the Committee by the Auditor General, and a process is provided in Section 218.39(8), *Florida Statutes*, for the Committee's involvement. First, the Authority may be required to provide a written statement explaining why corrective action has not been taken and to provide details of any corrective action that is anticipated. If the statement is not determined to be sufficient, the Committee may request the Chair of the Authority's Board to appear before the Committee. Ultimately, if it is determined that there is no justifiable reason for not taking corrective action, the Committee may direct the Department of Economic Opportunity to declare the Authority inactive or to proceed with legal enforcement.

### **III. Effect of Proposed Request and Committee Staff Recommendation**

If the Committee directs the Auditor General to perform an operational audit of the West Volusia Hospital Authority, the Auditor General, pursuant to the authority provided in Section 11.45(3), *Florida Statutes*, shall finalize the scope of the audit during the course of the audit, providing that the audit-related concerns of Representative Sabatini are addressed.

### **IV. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

If the Committee directs the audit, the Auditor General will absorb the audit costs within her approved operating budget.

### **V. Related Issues:**

None.

This staff analysis does not reflect the intent or official position of the requestor.
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HB 535

2020

A bill to be entitled  
An act relating to hospital districts; amending s.  
163.387, F.S.; exempting certain hospital districts  
from contributing to the redevelopment trust fund for  
community redevelopment agencies under specified  
conditions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (2) of section  
163.387, Florida Statutes, is amended to read:

163.387 Redevelopment trust fund.—

(2)

(c) The following public bodies or taxing authorities are  
exempt from paragraph (a):

1. A special district that levies ad valorem taxes on  
taxable real property in more than one county.

2. A special district for which the sole available source  
of revenue the district has the authority to levy is ad valorem  
taxes at the time an ordinance is adopted under this section.  
However, revenues or aid that may be dispensed or appropriated  
to a district as defined in s. 388.011 at the discretion of an  
entity other than such district shall not be deemed available.

3. A library district, except a library district in a  
jurisdiction where the community redevelopment agency had

HB 535

2020

26 | validated bonds as of April 30, 1984.

27 |       4. A neighborhood improvement district created under the  
28 | Safe Neighborhoods Act.

29 |       5. A metropolitan transportation authority.

30 |       6. A water management district created under s. 373.069.

31 |       7. For a community redevelopment agency created on or  
32 | after July 1, 2016, a hospital district that is a special  
33 | district as defined in s. 189.012.

34 |       8. Effective July 1, 2020, for a community redevelopment  
35 | agency that on or after July 1, 2016, extended the time certain  
36 | for completing all redevelopment financed by increment revenues  
37 | in the community redevelopment plan as set forth in s.  
38 | 163.362(10), a hospital district that is a special district as  
39 | defined in s. 189.012.

40 |       Section 2. This act shall take effect July 1, 2020.

By Senator Wright

14-00597A-20

20201072\_\_

1                   A bill to be entitled  
2       An act relating to redevelopment trust funds; amending  
3       s. 163.387, F.S.; providing an exemption from  
4       specified appropriation requirements to certain  
5       hospital districts for a community redevelopment  
6       agency that extends, on or after a specified date, the  
7       time certain set forth in a redevelopment plan;  
8       providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12       Section 1. Paragraph (c) of subsection (2) of section  
13       163.387, Florida Statutes, is amended, and paragraph (a) of that  
14       subsection is republished, to read:

15       163.387 Redevelopment trust fund.—

16       (2) (a) Except for the purpose of funding the trust fund  
17       pursuant to subsection (3), upon the adoption of an ordinance  
18       providing for funding of the redevelopment trust fund as  
19       provided in this section, each taxing authority shall, by  
20       January 1 of each year, appropriate to the trust fund for so  
21       long as any indebtedness pledging increment revenues to the  
22       payment thereof is outstanding (but not to exceed 30 years) a  
23       sum that is no less than the increment as defined and determined  
24       in subsection (1) or paragraph (3)(b) accruing to such taxing  
25       authority. If the community redevelopment plan is amended or  
26       modified pursuant to s. 163.361(1), each such taxing authority  
27       shall make the annual appropriation for a period not to exceed  
28       30 years after the date the governing body amends the plan but  
29       no later than 60 years after the fiscal year in which the plan

14-00597A-20

20201072\_\_

was initially approved or adopted. However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.

(c) The following public bodies or taxing authorities are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.

3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. For a community redevelopment agency created on or after July 1, 2016, or a community redevelopment agency that, on or after July 1, 2016, extends, pursuant to s. 163.361, the time certain set forth in a redevelopment plan as required by s. 163.362(10), a hospital district that is a special district as defined in s. 189.012.

Section 2. This act shall take effect July 1, 2020.



WEST VOLUSIA HOSPITAL AUTHORITY  
DeLand City Hall  
120 S. Florida Avenue, DeLand, FL

**TENTATIVELY SCHEDULED MEETINGS - 2020**

**Citizens Advisory Committee Meetings**

**Tuesdays at 5:15pm**

**Joint Meetings**

**Board of Commissioners Meetings**

**Thursdays at 5:00pm**

January 16 - Organizational/Regular

February 4 - CAC Organizational/Orientation

\*Judy Craig/Voloria Manning

February 20 (ADVENT HOSP/HSCFV)

March 3 – Applicant Workshop \*Andy Ferrari

March 19 (TNC/FDOH)

(TPA to Attend)

April 16 – 5 p.m. Joint meeting of WVHA Board and CAC – Preliminary Funding  
Application Review

May 5 - Discussion/Q&A Meeting

\*John Hill/Dolores Guzman

May 21 (ADVENT HOSP-SMA/RAAO)

May 26 - Ranking Meeting \* Dolores Guzman

June 18 – 4 p.m. Primary Care Application Workshop (duration 1 ½ hours)

June 18 – 5:30 p.m. Joint meeting of WVHA Board and CAC–Funding Recommendations

July (CAC Hiatus)

July 16 (4:00 p.m.) Budget  
Workshop Followed by Regular  
(THND/Healthy Comm)  
(TPA to Attend)

August (CAC Hiatus)

August 20 (ADVENT HOSP/HHI/CLSMF)

September (CAC Hiatus)

September 10 – Initial Budget Hearing

September 24 - Final Budget Hearing/Regular  
Meeting

October (CAC Hiatus)

October 15

November (CAC Hiatus)

November 19 (ADVENT HOSP)

\*WVHA Commissioner to attend CAC Meeting

Meetings to be held at DeLand City Hall Commission Chamber 120 S. Florida Avenue, DeLand FL

Meetings to be held at DRT, 1006 N. Woodland Blvd., DeLand, FL

Meeting to be held at DeLand Police Department Community Room 219 W. Howry Ave, DeLand, FL

**West Volusia Hospital Authority  
Financial Statements  
November 30, 2019**



Dreggors, Rigsby & Teal, P.A.

*Advisors for Life*

Certified Public Accountant | Registered Investment Advisor

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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 November 30, 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

December 10, 2019

MEMBERS

American Institute of  
Certified Public Accountants

the *CPAlliance* network

Florida Institute of  
Certified Public Accountants

**West Volusia Hospital Authority**  
**Balance Sheet**  
**Modified Cash Basis**  
**November 30, 2019**

**Assets**

**Current Assets**

Petty Cash	\$ 100.00
Intracoastal Bank - Money Market	7,852,672.62
Intracoastal Bank - Operating	998,856.20
Mainstreet Community Bank - MM	5,045,663.89
Accounts Receivable	50,415.13
Taxes Receivable	121,920.00
<b>Total Current Assets</b>	<b><u>14,069,627.84</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>(381,092.51)</u>
<b>Total Net Fixed Assets</b>	<b><u>537,006.56</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>14,608,634.40</u></u></b>

**Liabilities and Net Assets**

**Current Liabilities**

Security Deposit	5,110.00
Deferred Revenue	<u>116,506.00</u>
<b>Total Current Liabilities</b>	<b><u>121,616.00</u></b>

**Net Assets**

Unassigned Fund Balance	13,524,474.25
Restricted Fund Balance	208,000.00
Nonspendable Fund Balance	537,006.56
Net Income Excess (Deficit)	<u>217,537.59</u>
<b>Total Net Assets</b>	<b><u>14,487,018.40</u></b>
<b>Total Liabilities and Net Assets</b>	<b><u><u>\$ 14,608,634.40</u></u></b>

**West Volusia Hospital Authority**  
**Statement of Revenue and Expenditures**  
**Modified Cash Basis**  
**Budget and Actual**  
**For the 1 Month and 2 Months Ended November 30, 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	19,350,000	1,485,777	1,506,056	17,843,944
Investment Income	135,000	8,662	18,601	116,399
Rental Income	71,988	0	5,999	65,989
<b>Total Revenue</b>	<b>19,556,988</b>	<b>1,494,439</b>	<b>1,530,656</b>	<b>18,026,332</b>
<b>Healthcare Expenditures</b>				
Adventist Health Systems	5,904,295	104,693	104,693	5,799,602
Northeast Florida Health Services	2,187,941	101,750	135,576	2,052,365
Specialty Care	3,500,000	189,848	273,632	3,226,368
County Medicaid Reimbursement	2,452,561	204,380	408,760	2,043,801
The House Next Door	110,000	8,828	8,828	101,172
The Neighborhood Center	100,000	8,625	8,625	91,375
TNC Healthcare Navigation Program	50,000	900	900	49,100
Rising Against All Odds	219,000	24,150	24,150	194,850
Community Legal Services	86,627	12,531	12,531	74,096
Hispanic Health Initiatives	75,000	6,950	6,950	68,050
Florida Dept of Health Dental Svcs	228,000	21,821	21,821	206,179
Stewart Marchman - ACT	976,000	103,988	103,988	872,012
Health Start Coalition of Flagler & Volusia	142,359	15,187	15,187	127,172
H C R A	819,162	0	0	819,162
Other Healthcare Costs	303,780	0	0	303,780
<b>Total Healthcare Expenditures</b>	<b>17,154,725</b>	<b>803,651</b>	<b>1,125,641</b>	<b>16,029,084</b>
<b>Other Expenditures</b>				
Advertising	6,800	(207)	(41)	6,841
Annual Independent Audit	16,400	0	0	16,400
Building & Office Costs	6,500	637	812	5,688
General Accounting	68,100	4,425	4,425	63,675
General Administrative	65,100	5,708	5,708	59,392
Legal Counsel	70,000	7,327	12,767	57,233
Special Accounting	5,000	0	0	5,000
City of DeLand Tax Increment District	100,000	0	0	100,000
Tax Collector & Appraiser Fee	650,000	30,670	30,720	619,280
Legislative Consulting	60,000	5,000	10,000	50,000
TPA Services	663,938	0	76,309	587,629
Healthy Communities	74,363	7,935	7,935	66,428
Application Screening				
Application Screening - THND	391,062	33,489	33,489	357,573
Application Screening - RAAO	50,000	4,608	4,608	45,392
Workers Compensation Claims	25,000	0	0	25,000
Other Operating Expenditures	150,000	746	746	149,254
<b>Total Other Expenditures</b>	<b>2,402,263</b>	<b>100,338</b>	<b>187,478</b>	<b>2,214,785</b>
<b>Total Expenditures</b>	<b>19,556,988</b>	<b>903,989</b>	<b>1,313,119</b>	<b>18,243,869</b>
<b>Excess ( Deficit)</b>	<b>0</b>	<b>590,450</b>	<b>217,537</b>	<b>(217,537)</b>

**West Volusia Hospital Authority**  
**Schedule I - Healthcare Expenditures**  
**Modified Cash Basis**  
**Budget and Actual**  
**For the 1 Month and 2 Months Ended November 30, 2019**

	Annual Budget	Current Period Actual	Year To Date Actual	Budget Balance
<b>Healthcare Expenditures</b>				
Adventist Health Systems				
Florida Hospital DeLand	2,839,647	51,321	51,321	2,788,326
Florida Hospital Fish Memorial	2,839,648	53,371	53,371	2,786,277
Florida Hospital DeLand - Physicians	112,500	0	0	112,500
Florida Hospital Fish - Physicians	112,500	0	0	112,500
Northeast Florida Health Services				
NEFHS - Pharmacy	1,000,320	62,690	62,690	937,630
NEFHS - Obstetrics	0	1,084	1,204	(1,204)
NEFHS - Primary Care	1,187,621	37,976	71,682	1,115,939
Specialty Care	3,500,000	189,848	273,632	3,226,368
County Medicaid Reimbursement	2,452,561	204,380	408,760	2,043,801
Florida Dept of Health Dental Svcs	228,000	21,821	21,821	206,179
Good Samaritan				
The House Next Door	110,000	8,828	8,828	101,172
The Neighborhood Center	100,000	8,625	8,625	91,375
TNC Healthcare Navigation Program	50,000	900	900	49,100
Rising Against All Odds	219,000	24,150	24,150	194,850
Community Legal Services	86,627	12,531	12,531	74,096
Hispanic Health Initiatives	75,000	6,950	6,950	68,050
Stewart Marchman - ACT				
SMA - Homeless Program	126,000	5,143	5,143	120,857
SMA - Residential Treatment	550,000	86,242	86,242	463,758
SMA - Baker Act - Match	300,000	12,603	12,603	287,397
Health Start Coalition of Flagler & Volusia				
HSCFV - Outreach	73,500	6,220	6,220	67,280
HSCFV - Fam Services	68,859	8,967	8,967	59,892
HCRA				
H C R A - In County	400,000	0	0	400,000
H C R A - Outside County	419,162	0	0	419,162
Other Healthcare Costs	303,780	0	0	303,780
<b>Total Healthcare Expenditures</b>	<b>17,154,725</b>	<b>803,650</b>	<b>1,125,640</b>	<b>16,029,085</b>

**West Volusia Hospital Authority**  
**Schedule II - Statement of Revenue and Expenditures**  
**Modified Cash Basis**

**For the 1 Month and 2 Months Ended November 30, 2019 and November 30, 2018**

	1 Month Ended November 30, 2019	1 Month Ended November 30, 2018	2 Months Ended November 30, 2019	2 Months Ended November 30, 2018
<b>Revenue</b>				
Ad Valorem Taxes	1,485,777	2,148,375	1,506,056	2,154,870
Investment Income	8,662	6,002	18,601	12,491
Rental Income	0	5,692	5,999	11,384
<b>Total Revenue</b>	<u>1,494,439</u>	<u>2,160,069</u>	<u>1,530,656</u>	<u>2,178,745</u>
<b>Healthcare Expenditures</b>				
Adventist Health Systems	104,693	65,487	104,693	121,312
Northeast Florida Health Services	101,750	136,226	135,576	147,520
Specialty Care	189,848	175,648	273,632	258,546
County Medicaid Reimbursement	204,380	195,966	408,760	391,933
The House Next Door	8,828	11,238	8,828	11,238
The Neighborhood Center	8,625	8,300	8,625	8,300
TNC Healthcare Navigation Program	900	550	900	550
Rising Against All Odds	24,150	14,665	24,150	14,665
Community Legal Services	12,531	4,127	12,531	4,127
Hispanic Health Initiatives	6,950	3,900	6,950	3,900
Florida Dept of Health Dental Svcs	21,821	18,483	21,821	18,483
Stewart Marchman - ACT	103,988	109,039	103,988	109,039
Health Start Coalition of Flagler & Volusia	15,187	5,313	15,187	5,313
<b>Total Healthcare Expenditures</b>	<u>803,651</u>	<u>748,942</u>	<u>1,125,641</u>	<u>1,094,926</u>
<b>Other Expenditures</b>				
Advertising	(207)	147	(41)	2,357
Building & Office Costs	637	80	812	396
General Accounting	4,425	5,657	4,425	5,657
General Administrative	5,708	3,891	5,708	3,891
Legal Counsel	7,327	2,180	12,767	3,420
Tax Collector & Appraiser Fee	30,670	113,743	30,720	113,861
Legislative Consulting	5,000	0	10,000	0
TPA Services	0	75,292	76,309	102,542
Eligibility / Enrollment	0	1,785	0	1,785
Healthy Communities	7,935	4,973	7,935	4,973
Application Screening				
Application Screening - THND	33,489	15,812	33,489	15,812
Application Screening - RAAO	4,608	5,184	4,608	5,184
Application Screening - SMA	0	0	0	0
Other Operating Expenditures	746	149	746	361
<b>Total Other Expenditures</b>	<u>100,338</u>	<u>228,893</u>	<u>187,478</u>	<u>260,239</u>
<b>Total Expenditures</b>	<u>903,989</u>	<u>977,835</u>	<u>1,313,119</u>	<u>1,355,165</u>
<b>Excess ( Deficit)</b>	<u>590,450</u>	<u>1,182,234</u>	<u>217,537</u>	<u>823,580</u>

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





# Dreggors, Rigsby & Teal, P.A.

## *Advisors for Life*

Certified Public Accountant | Registered Investment Advisor

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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 December 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

January 03, 2020

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**West Volusia Hospital Authority**

**Balance Sheet**

**Modified Cash Basis**

**December 31, 2019**

**Assets**

**Current Assets**

Petty Cash	\$ 100.00
Intracoastal Bank - Money Market	9,158,583.97
Intracoastal Bank - Operating	4,235,248.45
Mainstreet Community Bank - MM	13,553,745.79
Taxes Receivable	121,920.00

**Total Current Assets** 27,069,598.21

**Fixed Assets**

Land	145,000.00
Buildings	422,024.71
Building Improvements	350,822.58
Equipment	251.78

**Total Fixed Assets** 918,099.07

Less Accum. Depreciation (381,092.51)

**Total Net Fixed Assets** 537,006.56

**Other Assets**

Deposits 2,000.00

**Total Other Assets** 2,000.00

**Total Assets** 27,608,604.77

**Liabilities and Net Assets**

**Current Liabilities**

Security Deposit	5,110.00
Deferred Revenue	116,506.00

**Total Current Liabilities** 121,616.00

**Net Assets**

Unassigned Fund Balance	13,524,474.25
Restricted Fund Balance	208,000.00
Nonspendable Fund Balance	537,006.56
Net Income Excess (Deficit)	13,217,507.96

**Total Net Assets** 27,486,988.77

**Total Liabilities and Net Assets** \$ 27,608,604.77

**West Volusia Hospital Authority**  
**Statement of Revenue and Expenditures**  
**Modified Cash Basis**  
**Budget and Actual**  
**For the 1 Month and 3 Months Ended December 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	19,350,000	14,424,971	15,931,027	3,418,973
Investment Income	135,000	14,114	32,715	102,285
Rental Income	71,988	5,999	11,998	59,990
Other Income	<u>0</u>	<u>128</u>	<u>128</u>	<u>(128)</u>
<b>Total Revenue</b>	<b><u>19,556,988</u></b>	<b><u>14,445,212</u></b>	<b><u>15,975,868</u></b>	<b><u>3,581,120</u></b>
<b>Healthcare Expenditures</b>				
Adventist Health Systems	5,904,295	184,661	289,353	5,614,942
Northeast Florida Health Services	2,187,941	129,202	264,779	1,923,162
Specialty Care	3,500,000	262,803	536,435	2,963,565
County Medicaid Reimbursement	2,452,561	204,380	613,140	1,839,421
The House Next Door	110,000	8,825	17,653	92,347
The Neighborhood Center	100,000	7,500	16,125	83,875
TNC Healthcare Navigation Program	50,000	2,525	3,425	46,575
Rising Against All Odds	219,000	21,300	45,450	173,550
Community Legal Services	86,627	6,381	18,912	67,715
Hispanic Health Initiatives	75,000	5,450	12,400	62,600
Florida Dept of Health Dental Svcs	228,000	18,156	39,977	188,023
Stewart Marchman - ACT	976,000	95,955	199,944	776,056
Health Start Coalition of Flagler & Volusia	142,359	16,942	32,129	110,230
H C R A	819,162	119	119	819,043
Other Healthcare Costs	<u>303,780</u>	<u>0</u>	<u>0</u>	<u>303,780</u>
<b>Total Healthcare Expenditures</b>	<b><u>17,154,725</u></b>	<b><u>964,199</u></b>	<b><u>2,089,841</u></b>	<b><u>15,064,884</u></b>
<b>Other Expenditures</b>				
Advertising	6,800	0	(41)	6,841
Annual Independent Audit	16,400	0	0	16,400
Building & Office Costs	6,500	1,016	1,828	4,672
General Accounting	68,100	3,622	8,046	60,054
General Administrative	65,100	4,243	9,951	55,149
Legal Counsel	70,000	4,600	17,367	52,633
Special Accounting	5,000	0	0	5,000
City of DeLand Tax Increment District	100,000	90,813	90,813	9,187
Tax Collector & Appraiser Fee	650,000	288,344	319,063	330,937
Legislative Consulting	60,000	5,000	15,000	45,000
TPA Services	663,938	39,092	115,400	548,538
Healthy Communities	74,363	5,041	12,976	61,387
Application Screening				
Application Screening - THND	391,062	32,985	66,473	324,589
Application Screening - RAAO	50,000	5,376	9,984	40,016
Workers Compensation Claims	25,000	0	0	25,000
Other Operating Expenditures	<u>150,000</u>	<u>913</u>	<u>1,659</u>	<u>148,341</u>
<b>Total Other Expenditures</b>	<b><u>2,402,263</u></b>	<b><u>481,045</u></b>	<b><u>668,519</u></b>	<b><u>1,733,744</u></b>
<b>Total Expenditures</b>	<b><u>19,556,988</u></b>	<b><u>1,445,244</u></b>	<b><u>2,758,360</u></b>	<b><u>16,798,628</u></b>
<b>Excess ( Deficit)</b>	<b><u>0</u></b>	<b><u>12,999,968</u></b>	<b><u>13,217,508</u></b>	<b><u>(13,217,508)</u></b>

See Accountants' Compilation Report

**West Volusia Hospital Authority**  
**Schedule I - Healthcare Expenditures**  
**Modified Cash Basis**  
**Budget and Actual**  
**For the 1 Month and 3 Months Ended December 31, 2019**

	Annual Budget	Current Period Actual	Year To Date Actual	Budget Balance
<b>Healthcare Expenditures</b>				
Adventist Health Systems				
Florida Hospital DeLand	2,839,647	86,457	137,778	2,701,869
Florida Hospital Fish Memorial	2,839,648	98,204	151,575	2,688,073
Florida Hospital DeLand - Physicians	112,500	0	0	112,500
Florida Hospital Fish - Physicians	112,500	0	0	112,500
Northeast Florida Health Services				
NEFHS - Pharmacy	1,000,320	62,690	125,380	874,940
NEFHS - Obstetrics	0	3,613	4,817	(4,817)
NEFHS - Primary Care	1,187,621	62,899	134,581	1,053,040
Specialty Care	3,500,000	262,803	536,435	2,963,565
County Medicaid Reimbursement	2,452,561	204,380	613,140	1,839,421
Florida Dept of Health Dental Svcs	228,000	18,156	39,977	188,023
Good Samaritan				
The House Next Door	110,000	8,825	17,653	92,347
The Neighborhood Center	100,000	7,500	16,125	83,875
TNC Healthcare Navigation Program	50,000	2,525	3,425	46,575
Rising Against All Odds	219,000	21,300	45,450	173,550
Community Legal Services	86,627	6,381	18,912	67,715
Hispanic Health Initiatives	75,000	5,450	12,400	62,600
Stewart Marchman - ACT				
SMA - Homeless Program	126,000	4,188	9,331	116,669
SMA - Residential Treatment	550,000	86,020	172,262	377,738
SMA - Baker Act - Match	300,000	5,747	18,351	281,649
Health Start Coalition of Flagler & Volusia				
HSCFV - Outreach	73,500	5,937	12,157	61,343
HSCFV - Fam Services	68,859	11,005	19,972	48,887
HCRA				
H C R A - In County	400,000	119	119	399,881
H C R A - Outside County	419,162	0	0	419,162
Other Healthcare Costs	303,780	0	0	303,780
<b>Total Healthcare Expenditures</b>	<b>17,154,725</b>	<b>964,199</b>	<b>2,089,840</b>	<b>15,064,885</b>

**West Volusia Hospital Authority**  
**Schedule II - Statement of Revenue and Expenditures**  
**Modified Cash Basis**

**For the 1 Month and 3 Months Ended December 31, 2019 and December 31, 2018**

	1 Month Ended December 31, 2019	1 Month Ended December 31, 2018	3 Months Ended December 31, 2019	3 Months Ended December 31, 2018
<b>Revenue</b>				
Ad Valorem Taxes	14,424,971	14,648,202	15,931,027	16,803,072
Investment Income	14,114	8,867	32,715	21,358
Rental Income	5,999	5,692	11,998	17,076
Other Income	128	0	128	0
<b>Total Revenue</b>	<u>14,445,212</u>	<u>14,662,761</u>	<u>15,975,868</u>	<u>16,841,506</u>
<b>Healthcare Expenditures</b>				
Adventist Health Systems	184,661	268,868	289,353	390,180
Northeast Florida Health Services	129,202	154,076	264,779	301,596
Specialty Care	262,803	371,770	536,435	630,316
County Medicaid Reimbursement	204,380	195,966	613,140	587,899
The House Next Door	8,825	9,463	17,653	20,701
The Neighborhood Center	7,500	7,775	16,125	16,075
TNC Healthcare Navigation Program	2,525	0	3,425	550
Rising Against All Odds	21,300	13,200	45,450	27,865
Community Legal Services	6,381	2,571	18,912	6,698
Hispanic Health Initiatives	5,450	2,825	12,400	6,725
Florida Dept of Health Dental Svcs	18,156	21,027	39,977	39,510
Stewart Marchman - ACT	95,955	118,441	199,944	227,479
Health Start Coalition of Flagler & Volusia	16,942	7,565	32,129	12,878
H C R A	119	10,380	119	10,380
<b>Total Healthcare Expenditures</b>	<u>964,199</u>	<u>1,183,927</u>	<u>2,089,841</u>	<u>2,278,852</u>
<b>Other Expenditures</b>				
Advertising	0	0	(41)	2,357
Building & Office Costs	1,016	1,202	1,828	1,598
General Accounting	3,622	7,321	8,046	12,978
General Administrative	4,243	2,573	9,951	6,464
Legal Counsel	4,600	4,060	17,367	7,480
City of DeLand Tax Increment District	90,813	0	90,813	0
Tax Collector & Appraiser Fee	288,344	292,960	319,063	406,821
Legislative Consulting	5,000	0	15,000	0
TPA Services	39,092	44,072	115,400	146,614
Eligibility / Enrollment	0	1,575	0	3,360
Healthy Communities	5,041	7,513	12,976	12,486
Application Screening				
Application Screening - THND	32,985	15,812	66,473	31,624
Application Screening - RAAO	5,376	4,224	9,984	9,408
Application Screening - SMA	0	0	0	0
Other Operating Expenditures	913	468	1,659	829
<b>Total Other Expenditures</b>	<u>481,045</u>	<u>381,780</u>	<u>668,519</u>	<u>642,019</u>
<b>Total Expenditures</b>	<u>1,445,244</u>	<u>1,565,707</u>	<u>2,758,360</u>	<u>2,920,871</u>
<b>Excess ( Deficit)</b>	<u>12,999,968</u>	<u>13,097,054</u>	<u>13,217,508</u>	<u>13,920,635</u>

See Accountants' Compilation Report

## LEGAL UPDATE MEMORANDUM

TO: WVHA Board of Commissioners

DATE: December 17, 2019

FROM: Theodore W. Small, Jr.

RE: West Volusia Hospital Authority – Year-End Update on CRA Draft Bill and Follow-up re: Proposed Public Records Policy

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 November 14, 2019 Meeting Minutes.

**I. 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(2)(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(2)(d)(1). It is doubtful that this was the intent of the Legislature to have this provision be a nullity as applied. Counsel continues to explore alternative strategies for obtaining the exemption requested and denied by the City from this extension of the CRA tax; counsel will update the Board as appropriate.

*Regarding the alternative approach to exemption from any extensions of the City of DeLand CRAs, HB 535 was filed on November 5, 2019, sponsored in the House by Representative Santiago (I'm attaching a copy of the draft bill for your review; the relevant section is a newly proposed exemption inserted in the draft as Section 163.387(2)(c)(7)). On November 29, 2019, Senator Wright filed a parallel draft bill, Senate Bill 1072. As previously noticed via email, the House version of the draft bill was scheduled for its first committee hearing last Wednesday, December 11<sup>th</sup>. However, on December 11<sup>th</sup>, Rep. Santiago temporarily postponed ("TP'd") the House committee hearing concerning the draft bill after he received opposition from the statewide CRA lobbyist and from the City of DeLand. Rep. Santiago received some misinformation that the exemption would only save WVHA approximately \$58,000.00 in incremental taxes. He indicated that he was TPing the hearing of the draft bill to meet further with Mayor Apgar and endeavor to facilitate some type of negotiated non-legislative resolution between the City of DeLand and WVHA. Contrary to the fiscal impact information received by Rep. Santiago, the following is a listing of actual annual amounts of incremental taxes paid by WVHA to the Downtown DeLand CRA as verified by DRT, Mr. Cantlay: 9/30/19 - \$64,265; 9/30/18 - \$69,746; 9/30/17 - \$38,304. Using the most recent Downtown DeLand CRA incremental tax of \$64,265, multiplied by 11x (Extension Period is FY2025-2036), the fiscal savings to WVHA would actually be approximately \$706,915.00. This corrected summary of past payments and consolidated potential fiscal impact was provided to Rep. Santiago before his meeting with Mayor Apgar on December 17<sup>th</sup>. Apparently, Rep. Santiago did not reach any substantive agreement with Mayor Apgar and instead he indicated that he wants to have further talks with the CRA lobbyist in Tallahassee before he talks substantively about next steps. Counsel has been assured by WVHA's lobbyist, Mr. McGhee that Rep. Santiago's TP of the draft bill does not harm its chances of eventual passage and that he has received assurances by both Rep. Santiago and Sen. Wright that they are both still committed to its passage if Rep. Santiago cannot negotiate an exemption of WVHA by the City of DeLand during the period of temporary postponement. Counsel cannot envision how exactly discussions with Mayor Apgar alone could result in a negotiated resolution because such an exemption would require a reversal of positions by a majority of the other city commissioners in a duly noticed public meeting, but counsel will suspend disbelief and allow Rep. Santiago to pursue his chosen approach toward a non-legislative resolution. This would definitely be a good time for any Board members with connections to Rep. Santiago and others in the local legislative delegation and in Tallahassee generally to make calls and contacts to enlist support of draft HB 535 and SB 1072.*

## **II. Proposed Email and Text Messaging Public Records Policy**

As requested during the November 14, 2019 Regular Meeting, counsel has reviewed relevant Florida Attorney General Opinions and case law and reviewed comparable local government policy to develop the following proposed Email and Text Messaging Public Records Policy for the Board's consideration at the January, 2020 meeting:

**Issue:** How should WVHA direct its individual Board members, funded agencies and

contracted agencies and professionals to preserve electronic communications and other documents that may constitute “public records” under the Florida Public Records Law, Chapter 119, Florida Statutes?

**Rules:**

**Email Rule:** E-mail messages made or received by agency officers and employees in connection with official business are public records and subject to disclosure in the absence of an exemption. AGOs 96-34 and 01-20. See *Rhea v. District Board of Trustees of Santa Fe College*, 109 So. 3d 851, 855 (Fla. 1st DCA 2013), noting that “electronic communications, such as e-mail, are covered [by the Public Records Act] just like communications on paper.” Cf. s. 668.6076, F.S., requiring agencies that operate a website and use electronic mail to post the following statement in a conspicuous location on the agency website: “Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.” Similarly, e-mails sent by city commissioners in connection with the transaction of official business are public records subject to disclosure even though the e-mails contain undisclosed or “blind” recipients and their e-mail addresses. AGO 07-14. Cf. *Butler v. City of Hallandale Beach*, 68 So. 3d 278 (Fla. 4th DCA 2011) (affirming a trial court order finding that a list of recipients of a personal e-mail sent by mayor from her personal computer was not a public record). Like other public records, e-mail messages are subject to the statutory restrictions on destruction of public records. See s. 257.36(6), F.S., stating that a public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division of Library and Information Services (division) of the Department of State. Thus, an e-mail communication of “factual background information” from one city council member to another is a public record and should be retained in accordance with the retention schedule for other records relating to performance of the agency’s functions and formulation of policy. AGO 01-20. *Government-In-The Sunshine-Manual* (2019), p. 80

**Text Messaging Rule:** “In 2010, the Attorney General’s Office advised the Department of State (which is statutorily charged with development of public records retention schedules) that the “same rules that apply to e-mail should be considered for electronic communications including Blackberry PINS, SMS communications (text messaging), MMS communications (multimedia content), and instant messaging conducted by government agencies.” Inf. Op. to Browning, March 17, 2010. In response, the Department revised the records retention schedule to recognize that retention periods for text messages and other electronic messages or communications “are determined by the content, nature, and purpose of the records, and are set based on their legal, fiscal, administrative, and historical values, regardless of the format in which they reside or the method by which they are transmitted.” Stated another way, it is the content, nature and purpose of the electronic communication that determines how long it is retained, not the technology that is used to send the message. See General Records Schedule GS1-SL for State and Local Government Agencies, Electronic



Communications, available online at <http://dos.myflorida.com/library-archives>. Government-In-The Sunshine-Manual (2019), p. 81

**Retention Schedules:** In relevant parts, the General Records Schedule GSI-SL for State and Local Government Agencies, Electronic Communications Retention provides that correspondence and Memoranda of an “administrative” nature must be retained by WVHA for a minimum of 3 years; correspondence and memoranda dealing with “program and policy development” must be preserved for a minimum of 5 years; and those messages that are merely “transitory” and having only short term value such as reminders about meetings, scheduling appointments, requests for a return phone call, recipient copies of notices about agency sponsored events, telephone message, etc. must only be retained until obsolete, superseded or their administrative value is lost.

**Analysis:** Unfortunately many local governments (e.g. Orange County’s “textgate” in 2013) have been sued successfully because individual employees, agents or officials were not aware that they were required to or how to preserve emails and text messages sent from their personal email accounts or cell phones. Courts have reaffirmed the familiar maxim that *ignorance is no excuse* for non-compliance with Florida’s Public Records Law and violations can result in costs ranging from fines and reimbursement of attorney’s fees and court costs to criminal penalties. To avoid such consequences, it is recommended that WVHA adopt a written statement of policy to ensure that best practices that have been followed informally are followed routinely.

**Conclusion:** In order to comply with the Florida Public Records Law, any email or text message which involves WVHA official business and it of a non-transitory nature, as explained above, must be preserved as a “public record” in accordance with the General Records Schedule. Board members, funded or contracted agencies and contracted professionals are hereby strongly discouraged from using personal email accounts and cell phones to conduct official WVHA business unless it is only “transitory” as explained above. When it is necessary to utilize personal accounts because the matter is time sensitive, individuals are encouraged to forward the email or text to Ms. Long for preservation in accordance with the General Records Schedule. If there is any question at all in the Board members’, funded or contracted agent’s mind about whether the email or text message is a public record, the question should be discussed with Ms. Long who shall consult State officials to determine the appropriate retention schedule. If the person communicating about WVHA business on non-WVHA email accounts or telephones is not able to save those messages on their company or personal computer or phone equipment, they should contact Ms. Eileen Long at DRT, which is WVHA’s designated Public Records Custodian to make arrangements for forwarding them to Ms. Long for their proper preservation.

**III. 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. As previously emailed, WVHA's complaint in the national opioid litigation was initially filed in federal court in the Middle District of Florida on September 10, 2019. On September 26, 2019, that case was transferred to the Northern District of Ohio where it has been consolidated with the thousands of other pending cases in that multidistrict opioid litigation.

#### IV. 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."*