

COUNTY PERSONNEL COMMITTEE MEETING
JUNE 9, 1993, 8:15 A.M.

AMENDED MINUTES

PRESENT: John Keefe
Billy King
Lee Warren
Cliff Strassenburg, County Manager
G. B. Johnson, County Attorney
Pat Jones, Personnel Director
Tom Miriello, Mental Health Director
Dr. Jesse Williams, Director, Health Department
Rhonda R. Davis, Deputy Clerk

Meeting was called to order by Chairman Billy King at 8:25 A.M.

AGENDA ITEMS

1. Consideration of a proposed policy regarding minimum requirements for Physicians and Dentists to be employed by the county.

Cliff Strassenburg presented a handout to the committee which included a copy of the information presented at the May 17, 1993 meeting regarding this matter, a copy of the minutes from that meeting and a copy of a memorandum from Tom Miriello concerning the credentialing of psychiatrists for the Cumberland County Mental Health Center. The information from Mr. Miriello included a memorandum from John C. Tally, Attorney indicating that under Chapter 122 C of the North Carolina General Statutes, employees of the Cumberland County Mental Health Center are covered under the North Carolina State Personnel Act. Therefore, the qualifications they must meet for a particular job are the qualifications set by the North Carolina State Personnel Board, and not any other governmental entity. Any qualifications for Mental Health Center employees imposed by county ordinance would not be valid. Mr. Strassenburg also stated that he asked G. B. Johnson and Pat Jones to look into this matter and give some additional information.

G. B. Johnson - He presented a handout to the committee. He advised that the state of North Carolina establishes minimum standards for physicians. The local manager is responsible for determining additional qualification standards. That local manager is limited to what he can require due to the fact that the State Personnel Office will review any additional standards and can reject them as they see fit.

With regards to the Health Department, if a doctor or dentist does not refer patients to Cape Fear Valley Hospital, they do not need to be certified by the hospital. It would be considered illogical by the State Personnel Committee to require doctors working for the Health Department to be credentialed by a hospital they did not refer patients to. Another aspect to consider is who would have the authority to impose these additional requirements. Dr. Williams is imposed by the Board of Health and they would have to direct him on additional requirements for doctors and dentists. The County Commissioners would have not authority to direct Dr. Williams in this matter. Only the Board of Health has that authority.

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With regards to the Mental Health Department, that would be a different story. His information indicates that psychiatrists employed by the Mental Health Department are employees of the Mental Health authority and not the county. It indicates that the Mental Health Department is a subdivision of the state and not the county. The only exception is that the Mental Health Department is a county department as far as budget and finance matters are concerned, not personnel rules. The Mental Health Department would only have to comply with county regulations concerning personnel if they wanted to. The Board of Commissioners is without any formal authority to impose employment requirements on the Health or Mental Health Departments.

Commissioner Keefe asked what liability the county would be subject to if the Health or Mental Health Department did not have a doctor that could be certified by the local hospital.

G. B. Johnson - The Health Department does not have doctors that admit patients to the hospital and have no cause to do so. Therefore, certification by a local hospital should not be a consideration.

Commissioner Keefe - If a doctor has something in his background or for example has the AIDS virus, and this becomes a problem, how liable is the county for claims arising from a situation like that.

G. B. Johnson - If the County knew of the condition, it would be liable because of negligent supervision. You must also ask if the certification process by the hospital includes a guarantee that a doctor does not have the AIDS virus.

Commissioner Keefe - He feels there is more detailed credentialing at Cape Fear Valley Medical Center.

G. B. Johnson - It does not take a certification process to find out whether or not a doctor is carrying the AIDS virus. The credentialing of a doctor could not increase or minimize liability to the county. The Mental Health Department has some doctors that are certified by the hospital and some are not. Credentialing does not help with liability. In considering medical malpractice, you must ask if the person's job performance affects the standards of community service the doctor must provide. The county has malpractice insurance for the Health and Mental Health Departments. Credentialing cannot decrease liability.

Tom Miriello - The Mental Health Department goes through an intense credentialing process. He does not feel it is less intense than the credentialing done by CFVMC. They have a number of doctors credentialed at CFVMC because they treat patients there. All of their doctors must meet state requirements, as well as requirements of the American Medical Association. He feels their process is more extensive than Cape Fear Valley Medical Center's process. The Mental Health Department focuses on levels of training and expertise for their physicians. He then presented a profile on the psychiatrists employed by the Mental Health Department. He would have no problem stacking these psychiatrists up against anyone in the state. Some of the department's doctors are single and double board

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certified. Prospective psychiatrists are run through the AMA Medical bank and the department looks for any outstanding or prior litigation as well as other problems. If any potential employee shows any problems, the department veers away from them and moves to another applicant.

G.B. Johnson - Dr. Kisook Chang is the Lead Psychiatrist in the department. She had a malpractice suite filed against her and was defended by the insurance company. She won the case. As far as liability is concerned, the County is well covered.

Dr. Jesse Williams - He explained the certification process for their physicians at the Health Department. None of their doctors have hospital privileges. CFVMC staff will allow them to have people needing hospitalization to be referred to the doctors on call in the Emergency Room at that time. He feels proud of their staff. All of their physicians are board certified or are eligible for certification. It is not a big thing to have board certification. The AMA Data Bank has a lot of information on it that should not be there and should not be a basis for hiring.

Commissioner King - What happens to a person who comes into the Cumberland County Health Department that is sick and needs medical attention.

Dr. Williams - The department tries to treat the person on an out-patient basis. If the person needs to be hospitalized, they call the hospital and ask who is on call and then refer that patient to the doctor on call at CFVMC. The policy at CFVMC is that they will take patients from the Health Department. The Health Department only contacts CFVMC in these situations. They have an on-call roster for pediatrics as well. The department has a number of patients that depend on the CFVMC emergency room and the Health Department. The doctors at CFVMC do not look at these referrals negatively.

Commissioner King asked how the State's requirements for doctors coincide with the credentialing at CFVMC.

Tom Miriello - He explained that they are parallel in a lot of ways and explained the requirements to the committee.

Commissioner Keefe - Who interviews psychiatrists that come on board at the Mental Health Department?

Tom Miriello - They do a legal medical past employment search. Approximately twelve people interview these potential employees including other psychiatrists on staff. They have not hired anyone who has not had four full days of scrutiny. They have experienced problems in the past when CFVMC interviewed these people.

Dr. Williams - The Health Department does not go through as intensive a process at the Mental Health Department, but they do go through a strenuous process. The applicants are personally interviewed intensely and he has asked certain board members to meet with these applicants as well. In

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these instances, normally the board members advise him they will speak with the applicants, but state they would feel comfortable with whoever he chooses. The process for hiring dentists is similar. There are only a few differences.

Tom Miriello - The department does not want some of their psychiatrists to be credentialed by CFVMC because they have so many patients to treat at the out-patient center there would not be a need for them to send patients to the hospital.

Dr. Williams - He shares Mr. Keefe's concerns over the quality of the physicians being hired by the county.

Tom Miriello - They deal with volatile and mentally ill people every day and sometimes there are people who are going to sue them because they are angry for being committed, etc., it is unavoidable.

Commissioner Keefe - He would feel more comfortable with having just one committee to credential doctors hired by the county, but has a clear concious now that it he has brought it to the attention of the board and appropriate staff and voiced his concerns.

Commissioner King - With regards to the State Personnel office, there is not anything the board could do. He feels confident with the people that are being hired. He asked Mr. Strassenburg to work with Mr. Johnson and prepare a report to present to the board at the earliest possible date.

Commissioner Keefe stated again that he feels all doctors should go through the CFVMC credentialing process.

Commissioner King - A majority of the group feels that the present process is working well.

Commissioner Warren - During the last meeting there was some discussion about a benefits coordinator. He asked the status of that and the other positions discussed.

Mr. Strassenburg - Pat Jones has prepared a report and presented it to him. He is in the process of reviewing it and will bring a report to them at the next meeting.

Commissioner Keefe - The County needs a Risk Manager. This position is very important.

Mr. Strassenburg - Right now, Worker's Compensation Insurance is obtained through a pool that the county belongs to through the NCACC. The insurance company we are using is Sedgwick-James. The county is at this point considering if this insurance is cost effective and if we should stay in this pool. We are currently accepting bids from other companies. A committee is reviewing proposals and will give advisement as to whether or not we should stay with the NCACC. We still have a concern that we are not getting the level of loss prevention assistance that we should be.

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Commissioner King - From what he is seeing, the larger counties are getting out of this pool.

Mr. Strassenburg - If it turns out that we need to stay with the association another year, we will have the money in the contingency fund to allow us to hire someone as a Risk Manager and let them begin working. Doing so will take this burden from the Personnel Office. The amount in the contingency fund for this position is \$75,000. This would only cover one-half year's costs.

Commissioner Keefe - The savings the county could realize with a Risk Manager would more than pay for the position or positions needed.

Meeting adjourned at 9:20 AM.