

May 8, 2018 - Regular Meeting
Agenda Item #36

Subject

Health Care Advisory Board - Membership

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Cheri Coryea, Deputy County Administrator, ext. 3468

Ava Ehde, Interim Director, ext. 6301

Joshua Barnett, Health Care Services Manager, ext. 3978

Action Requested

Receive and act upon a request from the Health Care Advisory Board, in session on April 25, 2018, to remove member Ernest "Sandy" Marshall from the Board, per Resolution R-17-035, Section 5., Terms and Eligibility, F., and authorize staff to advertise to fill the position.

Enabling/Regulating Authority

Resolution R-17-035, Establishing the Manatee County Healthcare Advisory Board

Background Discussion

- On November 3, 2015, Resolution R-15-173 was adopted by the Board of County Commissioners (BCC) establishing the Health Care Advisory Board. It was repealed and replaced with Resolution R-17-035 on April 4, 2017.
- The thirteen (13) member Board is appointed by the BCC and receives assignments from the BCC for the year. Members provide advice and insight using their expertise on provisions of healthcare for medically needy persons.
- By Resolution, this Board is set to sunset on September 30, 2022. However, R-17-035 provides for the abolishment, disbandment, or reorganization at any time if necessary.
- R-17-035, Section 5, Terms and Eligibility, Item F. states: Advisory Board members serve at the will and pleasure of the Board of County Commissioners and the Commission retains the right to remove members of the Advisory Board for any reason.
- On April 25, 2018, 5:00 pm, the Healthcare Advisory Board met in regular session and established a quorum at 5:22 pm. Upon conclusion of the meeting, member Barbara Schubert asked for an executive session. Newly appointed chairman Dr. Francis Curd, called the executive session.
- Ms. Schubert spoke to the membership and directly to member Sandy Marshall indicating Mr. Marshall had been displaying a longstanding lack of orderly conduct at meetings, hindering the board from fulfilling their duties, regular attempts to substitute his own will for the will of the other HCAB members, and several other concerns as detailed in a letter to the Commission and attached below.

- Ms. Schubert asked that Mr. Marshall voluntarily resign his position on the HCAB so that the HCAB could regain momentum moving forward with the mission they are charged with.
- Mr. Marshall declined to resign from the HCAB.
- Ms. Schubert made a motion that the HCAB request to the Board of County Commissioners that Mr. Marshall be removed from the HCAB. The motion passed 5 in favor and 2 against.
- Each of the members spoke openly to Mr. Marshall during the discussion encouraging him to voluntarily step down for the future of the HCAB, each recognizing his long-term commitment to healthcare.
- Staff is presenting the request of the HCAB for consideration by the BCC. The next meeting of the Health Care Advisory Board is May 23, 2018.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

- County Attorney Palmer has been provided with a Request for Legal Services and has been informed of the current situation. However, due to the short turn around time it may not be possible for him to have had the opportunity for a complete review.
- During prior issues related to this Board and Mr. Marshall, Mr. Palmer has been consulted by staff and been kept up to date on the comments and concerns by the remaining HCAB members.

Reviewing Attorney

Palmer

Instructions to Board Records

None

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [R17-035.pdf](#)

Attachment: [Health Care Advisory Board Membership.pdf](#)

Attachment: [Health Care Advisory Board Meeting April 25 --2018.pdf](#)

Attachment: [Schubert Letter to County Commissioners.pdf](#)

RESOLUTION R-17-035

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING A MANATEE COUNTY HEALTHCARE ADVISORY BOARD; PROVIDING FOR THE PURPOSE AND DUTIES OF THE BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is important for Manatee County to have a healthy and economically vibrant community; and,

WHEREAS, the Board of County Commissioners of Manatee County, Florida desires to have access to the insight, knowledge, and experience of community stakeholders, as well as to gain a greater understanding of the best evidenced-based practices related to the provision of healthcare for those who are medically needy; and,

WHEREAS, since the Board of County Commissioners must, on an ongoing basis, make policy and fiscal decisions as to the County's current and future role in the County's overall healthcare network, it is important for the Board to be kept informed of issues and concerns which may relate to healthcare; and,

WHEREAS, the Board of County Commissioners determines that it is in the best interest of the people of Manatee County to establish a "Healthcare Advisory Board" to provide the advice and insight discussed above to the County on issues relating to the provision of health care delivery methods and funding for services to the medically needy in our community.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Section 1. Creation of the Board.

There is hereby established a voluntary advisory board, to be known as the Manatee County Healthcare Advisory Board. Appointment of members of the Advisory Board shall be in manner set forth herein, and members shall be appointed by the Board of County Commissioners, pursuant to this Resolution. This Advisory Board is advisory only, and may be abolished or disbanded at any time, or reorganized at any time, by the Board of County Commissioners.

Section 2. Purposes and duties.

The Healthcare Advisory Board shall:

- A. Evaluate, monitor and discuss the healthcare system in Manatee County including physical health, behavioral health and substance abuse, emerging state and federal legislation and policies that will have a direct or indirect impact on Manatee County.

- B. Make recommendations to the Board of County Commissioners that represent the consensus of the Advisory Board regarding the funding of services for healthcare for the medically needy in this community.
- C. Review evidence-based practices and programs, as well as data available related to health care in Manatee County to determine how available resources may be maximized and new resources engaged to enhance the long-term health and quality of life for Manatee County citizens.
- D. Perform such other evaluative or other advisory tasks as the County Commission may, from time to time, refer to it.
- E. The Advisory Board does not have the authority to “self-assign” projects, issues or initiatives not referred to it by the Board of County Commissioners, nor to take any policy position in the name of the County. The Advisory Board shall present its work product to the County Commission primarily through the delivery of written reports to the Commission, and where appropriate, through presentation to the Commission in a live setting.
- F. To the extent such resources are available to it, the Advisory Board may be assisted in these duties by County staff, consultants and other sources.
- G. The County Administrator shall assign one or more County employees with the suitable knowledge and background to serve as the County’s staff liaison to the Advisory Board. The County Attorney shall ensure the Advisory Board is provided with necessary legal advice.

Section 3. Organizational Authority.

- A. The Advisory Board shall conduct an annual meeting between the beginning of the County’s fiscal year and December 31. At this annual meeting, it shall elect from its membership a Chair and Vice Chair. It shall also designate a Secretary, who shall be charged with creating the minutes of each meeting. Officers shall serve in their positions through the fiscal year, or until their replacements are voted into office or their membership on the Advisory Board ends for whatever reason. Vacancies in any office shall be filled by the Advisory Board.
- B. The Advisory Board shall meet at such additional times and places as it determines necessary to conduct its duties. In scheduling meetings, the Chair of the Advisory Board shall coordinate dates, times and locations with the County’s liaison. Meetings may be rescheduled or a special meeting called by the Advisory Board at any time. The County’s liaison shall be charged with ensuring that the proper Sunshine notices of meetings are posted, that meeting locations are accessible to the public, and that the copies of the minutes taken by the Secretary are kept and maintained by the County. A meeting may be cancelled only by the Chair, either due to an expected lack of quorum or for other good cause. The County staff liaison shall be charged with informing the Advisory Board of all scheduling and cancellation notices.

- C. Advisory Board members are required, prior to embarking upon their duties, to be trained in Florida's Sunshine, Ethics and Public Records laws by the County Attorney's Office, and shall be personally responsible to ensure they understand and fully comply with those laws, including the need to publicly announce meetings and to refrain from discussing Advisory Board business with other Board members, verbally or via electronic means, outside of publicly noticed meetings.
- D. The Advisory Board may establish subcommittees as it determines to be necessary to allow for more focused or specialized research and discussion on discrete issues. The work product of the subcommittee must be adopted by the full Advisory Board prior to being presented to the Board of County Commissioners. The officers of each subcommittee shall be appointed by the Advisory Board Chair, and serve at his or her pleasure. Any subcommittee must ensure compliance with the Sunshine law in the same manner as the full Advisory Board.
- E. The Advisory Board (and any subcommittees thereof) shall use the Procedures Manual of the Board of County Commissioners where portions thereof are relevant. Otherwise, it shall utilize the most current version of Roberts Rules of Order.
- F. A quorum of the Advisory Board shall be 50 percent of the membership plus one member. The Board may not conduct business other than to adjourn absent a quorum. While physical attendance is preferred, Advisory Board members are permitted to appear electronically so long as Sunshine law requirements are followed, and such appearance shall count toward being "present" for a quorum.

Section 4. Membership.

- A. The Advisory Board will be made up of no more than thirteen (13) members. The members will represent specific disciplines and interests within Manatee County, either through current or prior affiliation. These disciplines will include: health care, mental health care, substance abuse care, medical care, social services, higher education, uninsured consumer(s) of county-funded healthcare, and representatives of the business community from disciplines not previously listed. At a minimum, the members shall include: two (2) uninsured consumers of county-funded healthcare, one (1) member of Hispanic or Latino heritage, one (1) member of African-American heritage, and one (1) practicing physician who receives no more than (\leq 1%) one percent of their gross income from county-funded healthcare.
- B. Each member shall be a Manatee County resident knowledgeable about healthcare and, with the exception of the practicing physician(s) as described in Section 4.A above, shall not be currently employed by, a contractor for, an owner of, or a voting member on the Board of Directors of any agency or company receiving Manatee County government funding. No member may be a current employee or officer of Manatee County Government.

Section 5. Terms and Eligibility.

- A. Initial appointments shall occur prior to December 31, 2015 and include four (4) Members appointed for one (1) year terms, four (4) Members appointed for two (2) year terms, and three (3) Members appointed for three (3) year terms. All subsequent terms shall be for three (3) years. All terms become effective on October 1 of the year of appointment, regardless of the actual date of appointment, and expire at midnight of September 30th of the last year of the term.
- B. To the extent a position becomes open mid-term, the County Commission may fill the vacancy for the remainder of that term or leave the position open as it desires.
- C. Applicants for membership shall complete all application forms and provide all supplemental information as the application procedures of the County may require.
- D. Advisory Board members may serve no more than two full consecutive three year terms. Service for one of the initial one and two year terms shall not count as a full term for purposes of term limits. Upon completion of two full terms, an Advisory Board member shall not be eligible for reappointment to this Advisory Board for a minimum of one year.
- E. A member missing three (3) consecutive meetings, without being excused for cause by the Chair shall be deemed to have resigned his or her position, and the seat shall be deemed open.
- F. Advisory Board members serve at the will and pleasure of the Board of County Commissioners and the Commission retains the right to remove members of the Advisory Board for any reason including, but not limited to, Advisory Board Members becoming ineligible to serve due to receiving County funds or ethics related concerns.

Section 6. Sunset of Board.

Unless earlier abolished by the Manatee County Commission, the Manatee County Healthcare Advisory Board shall sunset and cease to exist at 11:59 p.m. on September 30th 2022 unless the County Commission, prior to that date, votes to provide an extension of its existence.

Section 7. Repeal of prior Resolution.

Resolution R-15-173, as adopted by the Board of County Commissioners on November 3, 2016, is hereby repealed and replaced in its entirety with this Resolution-17-035.

Section 8. Effective Date.

This Resolution shall become effective immediately upon adoption.

ADOPTED in Open Session, a quorum present and voting this 4th day of April 2017.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTEST:

Angelina Coloneso
Clerk of the Circuit Court

By: Amberly L. Brownell
Deputy Clerk

By: [Signature]
Chairperson

Healthcare Advisory Board - Current Members – 05/02/18

Name	Category	Term Expires
Vacant	Business	9/30/2018
Barbara Schubert	Social Services	9/30/2019
Lori Dengler-Secretary	Business	9/30/2019
Francis Curd	Higher Education	9/30/2018
Thomas Skoloda	Substance Abuse	9/30/2019
Kirk Zeppi	Mental Health	9/30/2020
Ray Fusco	Health Care	9/30/2018
Arthur J. Cohen	Health Care	9/30/2020
Daniel J. Austin	Business	9/30/2020
Ernest (Sandy) Marshall- ViceChair	Business	9/30/2019
JoOni J. Abnar	Consumer	9/30/2020
Bonnie H. Ramseur	Consumer	9/30/2020
James Nguyen	Practicing Physician	9/30/2019

**Health Care Advisory Board
April 25, 2018**

The April 25, 2018 meeting of the Health Care Advisory Board was held at Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205, in the 9th Floor Board of County Commissioner Conference Room. Work Session began at 5:12PM. Quorum present as of 5:22PM with regular meeting commencing at that time.

Members Present: Lori Dengler
Barbara Schubert
Sandy Marshall
Kirk Zeppi 5:22PM
Dr. Francis Curd
Tom Skoloda
JoOni Abnar
Dr. James Nguyen 5:38PM to 6:10PM

Members Absent: Daniel Austin
Ray Fusco
Dr. Arthur Cohen
Bonnie Ramseur

County Staff Present: Cheri Coryea, Deputy County Administrator
Janice Dunbar-Smith, Administrative Services Coordinator
Lynette Miralla-Ramirez, Grants Coordinator / Contract Manager
Ava Ehde, Interim Director Neighborhood Services Department

Public Present: James McCloud
Glen Gebillina

1. **Introductions:** Sandy Marshall, Vice Chair introduced all members.
2. **Approval of Minutes:** Deferred due to no quorum
3. **Voting of Chair:** Deferred due to no quorum
4. **Review of Timeline:** HCAB is on track with the planned timeline allowing for the annual report to be delivered to the Commission by the HCAB in August. County staff have informed BOCC of subcommittee discussions during prior work sessions.
5. **Discussion of Mr. Marshall's letters:** Deferred due to no quorum.
6. **Subcommittee Consensus Documents for BOCC:** 2019 Health Care Recommendations and HCAB Indigent Health Care Data Request Summary Claims Processed in FY 2017 reviewed - see attachment. Discussion focused on:
Appropriateness of financial guideline of 200% of the poverty level. Clarification HCAB charge is to make best use of resources if possible without hindering access to care. Eligibility guideline has consistently been 200% of poverty level, in the past it was 150% and 135%; request to review county funding/funding sources for all agencies; suggestion to revisit the ability to fund health insurance through a separate agency as a pilot program; suggestion to consider a grants program possible pilot programs – this would require an employee to write and manage the grants with hope the funding would offset the expense; Discussion of the importance of lay persons within the community, page 4 C III c remove HS or BA. A quorum was established at 5:22 pm. Some hospitals have general dentistry residency programs, this is a high cost and professionally competitive area. Suggestion to talk with LECOM re opening a dental clinic in an

area of the community where there is the most need. Need for cab/Uber vouchers. Marketing program using community liaisons, barber shops, church groups, Social Media.

Motion made by Kirk Zeppi and second by Dr. Francis Curd to take 2019 Health Care Recommendations to second level draft #2 with suggestions from this evenings discussion.

Review at May meeting.

7. **Approval of Minutes:** February minutes: Motion to accept by Kirk Zeppi, second by JoOni Abnar, vote unanimous. March Minutes: Motion to approve by Dr. Francis Curd, second by Kirk Zeppi, vote unanimous.
8. **Voting of Chair:** Sandy Marshall stepped down from chair making a motion nominating Dr. Francis Curd as HCAB Chair. Motion second by Barbara Schubert. Dr. Curd accepted the nomination. Nominations were closed. Motion made to elect Dr. Francis Curd as chair by Sandy Marshall, second by Barbara Schubert. Vote unanimous. Dr. Curd resumed meeting as chairman. Sandy Marshall remains Vice Chairman and Lori Dengler secretary.
9. **Discussion of Mr. Marshalls Letters:** Sandy Marshall asked for a vetting by the HCAB of four letters he has written to various County staff and Commission from October 2017 through February 2018. These letters have been shared with the HCAB at various meetings during that time. Discussion ensued about County staff role to the HCAB. Mr. Marshall suggested that County staff are subordinate to the HCAB and all Healthcare work they do is required to be vetted through the HCAB. This was contradicted by many of the HCAB members. Ms. Coryea provided a reference to Resolution R-17-035, Section 2, F. – To the extent such resources are available to it, the Advisory Board may be assisted in these duties by County staff, consultants and other sources, G. - The County Administrator shall assign one or more County employees with the suitable knowledge and background to serve as the County's staff liaison to the Advisory Board (the current assigned liaison is Deputy County Administrator Coryea). The County Attorney shall ensure the Advisory Board is provided with necessary legal advice. Members expressed concerns voiced by Sandy Marshall are not consistent and in opposition to prior formal votes taken by the HCAB. Motion made by Sandy Marshall to recommend changes in procedure as outlined in his letter. No second. Motion failed. Sandy Marshall asked that discussion of the other three letters be placed on the next agenda, Tom Skoloda and Barbara Schubert objected to this request indicating that members had received the letters many times and have no wish to spend additional time on these item. Sandy Marshall objected, no motion was made and the subject was closed.
10. **Public Comment:** James McCloud: Commented on importance of community health workers being essential to the success of any program. Dental services for children are considered. Concern voiced for adult dental needs.
Glen Gebilina: Housekeeping: have public sign in with agenda and materials provided to public attendees. Commented on availability of grant money with suggestion a grant writer be considered.
11. **New Business:** Executive session meeting requested by Barbara Schubert. Chairman Dr. Francis Curd acknowledged the request and all members agreed to the executive session. Chairman Curd opened the session. Barbara Schubert directed her concerns about the HCAB being unable to move forward with healthcare changes/recommendations over the last year due to Mr. Marshall's insistence on reviewing his demands with the four letters as well as a continued unacceptance on Mr. Marshall's behalf to move beyond topics that the HCAB had already

resolved and voted on. Further, she described his conduct at meetings as being unorderly, unwilling to yield the discussion for other members to speak, thus using an excessive amount of time to dominate topics and push the board past their scheduled time making them unable to finalize their discussions. Finally, she indicated that on many occasions Mr. Marshall has repeatedly attempted to substitute his own will for the will of the HCAB at large. Ms. Schubert asked Mr. Marshall if in the best interest of the work of the HCAB he would voluntarily resign from the HCAB. Mr. Marshall provided his response of the concerns to Ms. Schubert indicating he has spent a great deal of his life working on this subject and was not interested in resigning from the HCAB. A second request was made by Ms. Schubert to Mr. Marshall to voluntarily resign of which he also declined.

Motion made by Barbara Schubert to request the HCAB to ask the Board of County Commissioners to remove Sandy Marshall from his position on the Healthcare Advisory Board due to his repeated display and continued lack of orderly conduct at regularly scheduled meetings such that he is hindering the Healthcare Advisory Board from performing its duties and fulfilling the charges given to them by the Commission. Seconded by Tom Skoloda. Discussion occurred, members individually spoke about their concerns of the important work needed to be completed by the Board. Each agreed that the efforts to relive topics for extensive periods of time ignoring formal votes to move forward was creating an unwelcome strain on each meeting and discouraging members. Each acknowledged Mr. Marshall's dedication to Healthcare and previous work done. Mr. Marshall defended his position to desire to stay a member of the board. Vote taken: 5 in favor (Schubert, Skoloda, Dengler, Abnar, Curd), 2 opposed (Zeppi and Marshall). Motion passed.

12. Executive Session – Adjourned by Chairman Curd

13. Next Meeting: May 23, 2018 5:00PM

APPROVED:

Francis Curd, Chair

Date

HAND DELIVERED

April 25, 2018

Manatee Board of County Commissioners
P. O. Box 1000, Bradenton, FL 34206-1000
1112 Manatee Avenue West, Bradenton, FL 34205

Dear Mmes. and Messrs.

I am writing to you today on an issue of great concern as a member of the Manatee County Health Care Advisory Board. One of our members – Mr. Ernest S. Marshall – has repeatedly displayed and continues to display a lack of orderly conduct at regularly scheduled meetings such that he is hindering the Board from performing its duties and fulfilling the charges given to us by the County Commissioners.

Mr. Marshall's behavior has included, but has not been limited to:

- Repeatedly attempting to substitute his own will for the will of the Board at large;
- Being unduly repetitious and presenting matters not relevant to the Board's charge;
- Speaking on subjects about which the Board has already taken a position or about which the Board has voted not to receive further comment; and
- Continuing to speak after the allotted time has expired.

I am reasonably certain that a majority of the other Advisory Board members share my view.

Therefore, I urgently solicit you to immediately relieve Mr. Marshall of his duties on the Health Care Advisory Board so that remaining Board members can move forward expeditiously in the discharge of our duties.

Thank you in advance for your early and serious consideration of this request.

Barbara L. Schubert, Member
Manatee County Health Care Advisory Board