

**LEWIS COUNTY GENERAL HOSPITAL  
BOARD OF MANAGERS  
February 28, 2024**

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The regular monthly meeting of the Board of Managers of Lewis County General Hospital was called to order at 3:55 p.m. by Michael F. Young, Board President. Members present:

*John Lehman  
Howard Meny, M.D.  
Marguerite Mastascusa*

*Philip McDowell  
Vincent Nortz  
Karen Rennie*

*Susan Ross  
John "Ric" Schwartz  
Michael Young*

**Others**

**Present**

*Gerald R. Cayer, Chief Executive Officer  
Kerry Herbine, Chief Operating Officer  
Jeffery Hellinger, CFO  
Sean Harney, M.D., CMO, Employed Provider Clinics  
Robert Fargo, Director of Facilities Management  
Michelle Kelley, Administrative Assistant to CEO  
Jessica Skiff, Director of Human Services  
Marcy Teal, Director of Nursing  
Debra Wurz, Nursing Home Administrator  
Christina Flint, Community Services Coordinator  
Dr. Steven Lyndaker, Medical Director {entered at 4:40 p.m.}  
Dr. Marylou Feilmeier, President of Medial Staff {entered at 4:00 p.m.}  
Dr. Lynn Pisaniello {entered at 4:55 p.m.}  
Scott Sauter, Network Systems Analyst*

**PLEDGE OF ALLEGIANCE**

- VISION, MISSION & VALUE STATEMENTS:** The health system's Vision, Mission and Value Statements were read with the group at the start of the meeting by board member, John Lehman.

**EXCUSE ABSENT MEMBERS**

- #12. Motion by Mr. Lehman, seconded by Mr. McDowell, the board excused Jennifer Jones and Donald Musnicki from the meeting. Approved.

*VOTE: yes 9 no 0.*

**EMPLOYEE OF THE MONTH**

- #13. Motion by Mrs. Mastascusa, seconded by Mr. Nortz, the Board congratulated Bettina "Tina" Bates, RN, as the January Employee of the Month. Approved.

*VOTE: yes 9, no 0.*

- CONFLICT INQUIRY:** No known conflicts were identified on tonight's agenda for any board member.

**STRATEGIC FOCUS TOPICS:**

- Dr. Sean Harney, CMO, Employed Provider Clinics, shared a PowerPoint with the Board titled "Employed Medical Practices" and provided a brief update to the Board on the Clinics since his last report in July of 2023:
  - LCGH Employed Providers
  - Lowville Medical Practice, PLLC Providers
  - Clinics on Main Campus
  - Clinics Off Site
  - Challenges / Opportunities / Concerns
    - ✓ Ongoing recruitment for 1 more FT OB/GYN physician
    - ✓ Continue to build the next generation of primary care providers considering several imminent retirements. Family Practice physicians seems to be the hardest to recruit for.
    - ✓ In the process of implementing patient engagement program, Phreesia, to expedite registration and payment options as well as increase communication through secure 2-way text messaging. Dr. Harney noted that the go-live date for this initiative is May 2024.

**□ OPERATIONAL UPDATES:**

- ◆ Patient Safety/Quality: Mrs. Sue Ross, Chair of the Quality Council Committee, and Mr. Kerry Herbine, COO, provided a brief update:
  - Mrs. Ross shared the following updates from the Quality department as follows:
  - QAPI minutes for both the Nursing Home and Ancillary Team for February are available for review in the Board Google Drive.
  - Mrs. Lyndsey Allen, Director of Quality, continues to work on social determinants of health for our patients including race, ethnicity, etc. Mrs. Allen also continues to work on regulatory and safety matters with the opening of the Maternity Department.
  - The 2024 Quality Management Plan has been completed. However, Mrs. Ross noted it is currently out for edits and review with Administration. Mr. Herbine noted it will be ready for action at the March meeting.
  - Mr. Herbine shared Ms. Marcy Teal, DON, Mrs. Lori Peters, Administrative Assistant, and Mrs. Lyndsey Allen, Director of Quality, continue to meet weekly regarding the reopening of the Maternity Department and work out the logistics.
  
- ◆ Finance: Mr. Phil McDowell, Chair of the Finance Committee, introduced Mr. Jeffery Hellinger, CFO, who provided the finance update. The group discussed the following topics:
  - There was a loss of \$403,753 versus a budgeted loss of \$441,457 for the month of January. The YTD loss is \$403,753 versus a budgeted loss of \$441,457. Mr. McDowell noted that the \$403,753 loss was actually 8.5% better than the budgeted loss \$441,457 for the month of January and added that the extra \$340,000 of expense in the Purchased Services line for travelers was a contributing factor for the negative outcome.
  - Mr. Hellinger discussed the health systems cash balance which has a total of \$7.4M available after deducting the bond balance of \$3.5M for the project and reserve of \$15.3M set by County resolution.
  - Mr. Hellinger also discussed the health systems projections with and without Maternity in the 2024 budget. Without Maternity we were projecting a \$433k surplus and the original projections with Maternity we projected a deficit of \$1.8M. However, that number has been increased to a projected deficit of \$3.6M due to traveling costs for nurses and locum tenens for OB/GYN physician coverage. Mr. Hellinger noted that we need 12 nurses for Maternity and currently 8 of those 12 will be traveling nurses at a cost of \$130,000 monthly. Mr. McDowell added that we will continue to monitor this matter.
  - Currently there are four (4) areas within the Health System with traveling staff: Med-Surg, Laboratory, CCU and Nursing Home, which cost the facility \$295,317.37 in the month of January 2024.
  - Mr. Hellinger also reviewed the 2023 Cash Receipts by Payer Source with the Board. He noted that 49.5% of our cash receipts for 2023 were government program revenue, which are broken down as follows:
    - ✓ Medicare (highest payer)
    - ✓ Medicaid
    - ✓ Tricare/VA
    - ✓ IGT (2023 Hospital)He also broke down the patient side for 2023 by Medicare, Medicaid and all other payors.
  - Mr. McDowell noted that we will begin to take an early look at the 2025 budget. He noted that the Capital Budget will be reviewed next month at the March Finance Committee meeting. Mr. Hellinger shared he sent a letter out today to all the Department Managers requesting their Capital Purchase needs for the next 10 years. He added that this information will be shared at the March Finance Committee meeting. The 10-year Capital Budget has been in place for six years.

- ◆ Capital Improvement Oversight Committee Report:
  - Mr. Robert Fargo, Director of Facilities Management, presented a copy of the Capital Improvement Oversight Committee Monthly Report to the board members prepared by Project Manager, Michael Nuffer, from C&S Companies. A copy of this report was also shared with the Capital Improvement Oversight Committee at their monthly meeting on Monday, February 26, 2024, which was discussed in detail.
  - Phases 4 and 5 of the project continue to be underway, which includes renovations to the former OR and ICU spaces, and is currently on pace to be completed by March 7<sup>th</sup>. Approximately 35-40 people are on site daily working on the project.
  - Mr. Fargo noted that the move of patients off the East Wing corridor to Maternity took place on Friday, February 23<sup>rd</sup>, in order for the new flooring preparation. Mr. Fargo thanked all the clinic staff, Ms. Teal and the IT Department for their help in this move. He stated that the new flooring will be installed on Monday, March 4, 2024.
  - The new 750k generator is expected to arrive on March 14<sup>th</sup>. It has been on back order for nearly two years. He noted we will have a crane on site to set it.
  - The NYSDOH will be on site on Thursday, March 14<sup>th</sup> to conduct a pre-opening survey of Maternity and the new space on East Wing.
  
- ◆ Human Resources: In the absence of Board Chair, Mrs. Jones, Board Member, Mrs. Marguerite Mastascusa, shared the following updates from the February 9, 2024, HR Committee Meeting:
  - New Hires, Resignations, Retirements & Terminations: The organizations' new hires, resignations, retirements, and terminations were included in Board packets.
  - Employee Sick Bank update
  - The Healthcare Worker Bonus recently paid out \$65,500 which was the 4<sup>th</sup> round of bonuses for employees.
  - The Committee was briefed on the 2023 Workers Compensation incidents which totaled 90, which is down from 121 in 2022.
  - Friday, March 1<sup>st</sup>, the Board members are invited to come and make sundaes for the employees in the Cafeteria from 11:00 – 1:00 p.m. and 4:00 – 5:00 p.m. Please contact Mrs. Jessica Skiff if you are interested.
  - The Committee was briefed on the 2025 Contract negotiation process.
  
- #14. Motion by Mrs. Mastascusa, seconded by Mr. Lehman, the Board approved the creation of the following:
  - ◆ 2 FT RN Nurse Manager position cards with a salary not to exceed \$85,000 annually.  
Approved.

*VOTE: yes 9, no 0.*

- **PUBLIC COMMENT:** Board President, Mr. Young, noted CEO, Mr. Jerry Cayer, received a letter of concern from a community member, Mr. Donald Arthur, regarding the Health System's decision to hire OB/GYN physician, Dr. Georges Akl, and our transparency. Mr. Young noted a copy of the letter was forwarded to the entire Board.

Anyone wishing to send a public comment may do so by sending an email to [info@lcgh.net](mailto:info@lcgh.net). There were no emails received.

❑ **CHIEF EXECUTIVE'S REPORT:** Mr. Cayer provided a brief overview on the following topics:

- ◆ **Maternity Update:** Mrs. Brittany Salmon, RN, joined us last week as the Nurse Manger for Maternity. Brittany most recently worked as the school nurse for SLCS and prior to that, she was a maternity nurse here. During her time at South Lewis, she continued to work at LCHS as a casual nurse. We are thrilled Brittany is leading the department.
- ◆ **IHA & HANYs Advocacy – State Budget:** Mr. Cayer will be in Albany next Tuesday, March 5th, and Wednesday, March 6<sup>th</sup>, for updated briefings on the state budget with a particular focus on closing the Medicaid gap, rejecting Medicaid cuts, and providing low and no cost relief. Mr. Cayer will also be meeting with legislative dignitaries including, Senator Walczyk's Legislative Director, Senator Rivera, Assemblyperson Paulin and Assemblymember Ken Blankenbush.
- ◆ **Main Street Rural Health:** Mr. Cayer provided a brief update regarding the Main Street Rural Health initiative. He noted we have approximately 325 retirees who are now part of a Medicare Advantage plan, which has had a significant positive impact on our health insurance costs. Main Street partners with primary care practices to provide value-based care solutions to rural community service providers by placing a health navigator in each practice. The navigator then assists with coordination, including contacting patients above preventative screenings, medication reminders, scheduling primary care visits following a hospital discharge, and providing support for social needs. There are no changes associated with Main Street for providers or their patients.
- ◆ **Exempt Pay Adjustments:** Mr. Cayer reported that the FY 24 budgeted 4% or \$284,400 for Exempt Pay Adjustments for exempt employees. We have a floor of 1%. Each Senior Leader has been given a "bucket" of 2.5% for each employee which commits \$172,000 of the \$284,000. The balance will allow for market and merit adjustments for those well below the market or exceptional performance.
- ◆ **Harrisville Health Center:** The Town of Diana has scheduled a Special Town meeting for Thursday, February 29<sup>th</sup> to discuss a proposed lease with the Health System. Essentially, the Town is going to lease us the building for 10 years for \$1. They will be responsible for getting the building to code, and we would provide access to primary care an average of 32 to 40 hours per week for at least 42 weeks per year. We currently have identified a provider for both the short and long term. Mr. Cayer noted that he has asked Mrs. Michele Prince to work on the CON with him as she is very familiar with the process, which will help expedite the process.
- ◆ **BOCES LPN Training Model:** Currently 20 individuals have expressed an interest in the proposed LPN program at the Sackett Technical Center in Glenfield, NY. Mr. Cayer noted that the goal would be to have the first class start this fall and graduate in the Spring of 2025.
- ◆ **Annual Health Insurance Renewal:** Mr. Cayer reported that both he and Mr. Hellinger recently participated in a discussion with the Board of Legislators Finance and Rules Committee. A follow-up work session has been scheduled for Monday, March 4<sup>th</sup>. Mr. Cayer noted that the new rates will be effective as of June 1, 2024 and the rates will be deducted from the two pay periods in May. At this time, the consideration is a 25% increase in the health insurance premium for both the employee and the employer.
- ◆ **Tour:** Please feel free to reach out to Mr. Cayer if you are interested in touring the work completed to date in Phases 4, 5 and 6 of the construction project.

☐ **PRESIDENT'S REPORT:** Board President, Mr. Young shared the following update:

- ◆ Strategic Topics for March 2024:
  - ✓ Human Resources {J. Skiff}
- ◆ Executive Session: Noted the need for an executive session at the end of the meeting to discuss strategic matters and particular persons.
- ◆ Tour: A tour of the Maternity Department and East Wing will be scheduled from 3:30 p.m. to 4:00 p.m. before the Wednesday, March 27, 2024, Board of Managers Meeting for the Board members.
- ◆ Harrisville Health Center: Mr. Young reported that he would like to talk to the County of Lewis regarding the purchase of the Harrisville Health Center located in the Town of Diana in the near future as, in his opinion, it is only fair to purchase this facility from the Town and not just lease it for one dollar for the next 10 years. He added that we own all the other buildings in other communities (Lyons Falls, Copenhagen, Beaver Falls) where our outlying clinics are located.
- ◆ Gerald R. Cayer, CEO: Mr. Cayer's evaluation for 2023 was previously sent to all the Board members for their completion and is due to Mr. Young by Sunday, March 2<sup>nd</sup>. Mr. Young noted this evaluation will be presented to the HR Committee in March.
- ◆ Capital Campaign: Mr. Young asked the group to please consider donating to the Lewis County Hospital Foundation Capital Campaign if you haven't already as it is important that we have 100% giving from the Board of Managers and the Administrative Team from the Health System.
- ◆ General: The Board received a copy of the February 2024 News In General.
- ◆ News Notes: The Board received a copy of the News Notes from the media for the month of January.

**CONSENT ITEMS:**

#15. Motion by Mr. Lehman, seconded by Dr. Meny, the Board approved the January 31, 2024, Board of Managers' meetings and acknowledge receipt of the following minutes (all minutes were previously distributed with the board packets):

- 01/24/2024 Environment of Care Committee Minutes
- 02/09/2024 Human Resources Committee Minutes
- 02/19/2024 Finance Committee Minutes

Approved.

*VOTE: yes 9, no 0.*

☐ **MEDICAL STAFF:** Dr. Marylou Feilmeier, President of the Medical Staff provided the following update.

- ◆ The Medical Staff's Brooks lecture with Dr. Rachel Zehr, General Surgeon, presenting information regarding breast cancer screening and treatment for women has been scheduled for March 21, 2024.
- ◆ Dr. Rachel Zehr, General Surgeon, will also be presenting to the Family Education Group on March 12, 2024, information regarding care of ostomies.
- ◆ The Maternal Child Health Committee continues to prepare for the reopening of the Maternity Department.

#16. Motion by Mrs. Rennie, seconded by Mrs. Ross, to enter executive session at 5:01 p.m. for credentialing matters. Approved.

*VOTE: yes 9, no 0.*

#17. Motion by Dr. Meny, seconded by Mrs. Ross, to return to regular session at 5:06 p.m. Approved.

*VOTE: yes 9, no 0.*

**□ Credentialing/Recredentialing:**

#18. Motion by Mrs. Ross, seconded by Mr. Nortz, to approve the following:

**Reappointments:**

- John Wat, D.O. – Active Staff, Family Practice Service, with Clinic privileges as requested.

**Delegated Reappointments:**

- None

**Appointments:**

- Myriam Benjamin, M.D. – Associate Staff, Anesthesia Service, with privileges as requested.
- Meaghan LeFevre, N.P. – Initial Provisional Adjunct Staff, Internal Medicine service, with privileges as requested.
- Nektarios Konstantinopoulos, M.D. – Associate Staff, Emergency Medicine Service, with privileges as requested.

**Delegated Appointments:**

- None

**Advancements:**

- Shaun Brown, M.D. – Courtesy Staff, Emergency Medicine Service, with privileges as requested.
- Matthew George, N.P. – Courtesy Adjunct Staff, Internal Medicine Service, with privileges as requested.
- Wajeeh Sana, M.D. – Courtesy Staff, Emergency Medicine Service, with privileges as requested.

**Delegated Advancements:**

- David Reiner, M.D. – Courtesy Staff, Radiology Service, with privileges as requested.
- Approved.

*VOTE: yes 9, no 0.*

**□ Adjourn:**

#19. Motion by Mrs. Mastascusa, seconded by Mrs. Rennie, to enter executive session at 5:07 p.m. to discuss particular persons and strategic matters. Approved.

*VOTE: yes 9, no 0.*

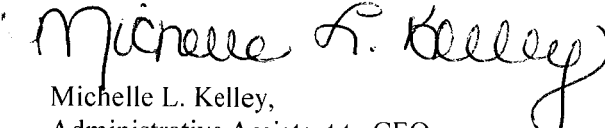
#20. Motion by Mr. Schwartz, seconded by Mrs. Mastascusa, to return to regular session at 5:46 p.m. Approved.

*VOTE: yes 9, no 0.*

#21. Motion by Mrs. Rennie, seconded by Mr. Lehman, to adjourn at 5:47 p.m. Approved.

*VOTE: yes 9, no 0.*

Respectfully submitted,

  
 Michelle L. Kelley,  
 Administrative Assistant to CEO

*Countersigned:*

Philip McDowell,  
Secretary Board of Managers

Febrauy 27, 2024

To: Jerry Cayer, CEO; Lewis County Health System Board of Managers

My name is Donald Arthur, I wanted to take this opportunity to express my concerns and ask some questions concerning Lewis County Health System's decision to hire OB/GYN physician Dr. Georges Akl. I did send a separate copy of this letter to Mr. Cayer, but I wanted to ensure that the Hospital Board of Managers also hear my concerns.

I probably wouldn't have done this except for a statement that I heard Mr. Cayer make while addressing our County Legislators on February 6<sup>th</sup>. During that update Mr. Cayer made a reference to the way that Dr. Akl's hiring process had been handled.. He stated that the process had been handled with "incredible transparency". Looking from my prospective, as an ordinary Lewis County resident, looking from the outside I have to disagree.

I read the news releases back in December 2023, I also read the announcement on the Health Systems website; those news releases announced the hire of Dr. Akl and welcomed him to the facility. However, I didn't see anything in those news stories about Dr. Akl's experience at Rome Hospital, nothing about the allegations made against him nor his probation status. From the public's perspective we didn't know anything about those allegations until the February 1<sup>st</sup> news release, two months after Dr. Akl started seeing patients. During that same two month period between December and February 1<sup>st</sup>, did Dr. Akl's own patients know anything about his background?

Mr. Cayer, I read in the minutes of the January 31 hospital Board of Managers meeting where you stated that a news reporter from WWNY had reached out to you requesting an interview. Apparently that interview request had been initiated because someone had reached out to the reporter with some concerns about Dr. Akl. May I assume that your interview with WWNY and the subsequent news release wouldn't have occurred if that WWNY reporter hadn't been first contacted by that concerned individual? Can I assume if that interview had not taken place no one outside of the organization would be aware of Dr. Akl's background?

There were also several things stated within the actual news article that concerned me. It seemed at times that the responses of both Mr. Cayer and Dr. Akl's attorney were focused on minimizing the seriousness of allegations against Dr. Akl and defending his hire. I also thought it was very interesting that Dr. Akl's attorney was interviewed and the Doctor was not available for comment.

When addressing the issue of the requirement that Dr. Akl be accompanied by a chaperone. Mr. Cayer made the statement that it is “standard practice” that chaperones be assigned whenever a male physician is assigned to examine a female patient. Mr. Cayer, is there any difference between the normal assignment of chaperones per “standard practice” guidelines compared to the guidelines established by NYS to meet the requirements of Dr. Akl’s probation? Were those specific guidelines regarding approval, the training, documentation, and reporting for the assignment of Dr. Akl’s chaperone the same as the “standard practice” that you had referred to in the news article? When reading the news article one could almost assume that there is no special guidelines established for Dr. Akl.

Lastly, I want to address the additional information from “court and other legal documents” that the WWNY reporter found during her own research.

Through that research she found the following statement from Rome Hospital’s CEO, who wrote the following: “the continuing administrative investigation into complaints about Dr. Akl’s behavior towards clinical colleagues has revealed reliable information that Dr. Akl committed acts, demeanor and conduct reasonably likely to be (1) detrimental to the safety of patients and others and to the delivery of patient care within the hospital, (2) contrary to the by-laws rules, regulations, and.. disruptive the operations of the hospital”.

Can I assume that both Mr. Cayer and all the members of the Hospital Board of Managers read that statement. It is especially concerning that Rome’s CEO specifically identified three key components that would be put at risk by retaining the services of Dr. Akl, patient safety, delivery of quality patient care, and regulatory standards. With your decision to bring Dr. Akl on board, are you stating in contrast to Rome Hospital that there is no risk to patient safety, and delivery of quality patient care? How can these two facilities come to such contrasting decisions?

Lastly, my concerns revolve primarily around Dr. Akl’s current and future patients, are they made aware of the allegations against Dr. Akl? I personally have two grown daughters, I have openly discussed the situation with them, they make their own decisions but I doubt that they will utilize this hospital’s OB/GYN services if needed. I believe that all patients current and future should be given that same information and options.

One final thought, Mr. Cayer, a couple of your statements in the article were in my opinion unprofessional and inappropriate. I speak of the term “head scratching” – I can’t help but compare the decisive action taken by Rome Hospital vs. the indecisive “head scratching”



of the leaders here at Lewis County Health System. The next statement is “I would say that I’m cautiously optimistic but when somebody is repenting if you will, it does take time to re-establish and have trust. “ First of all is Dr. Akl actually repentant? One is repentant when they admit they are wrong. Dr. Akl’s attorney stated that Dr. Akl blamed his then-partners for his troubles with both Rome Hospital and the state. An established record of trust should be part of any hire, especially when you are dealing with such a vulnerable patient population. Lewis County Health System cannot afford to be used as a “practice field” to help build that trust. Lastly the statement “if any issues come up that don’t align with the organizations’ values they will be addressed: I honestly don’t believe that statement offers much reassurance to current and future patients especially if an issue does come up.

I close with a question – you made the statement that you have been “incredibly transparent”, can you honestly say that you have been “incredibly transparent” to the most important and vulnerable people of all – Dr. Akl’s current and future patients?

Thank you for your time.

Donald Arthur