

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

BOARD APPOINTMENT SUMMARY

Meeting Date: May 3, 2016
Department: Administration
Advisory Board: Health Council of Southeast Florida, Inc.

I. EXECUTIVE BRIEF

Motion & Title: Staff recommends motion to approve: reappointment of one individual to the Health Council of Southeast Florida, Inc. for the term May 3, 2016 to September 30, 2017:

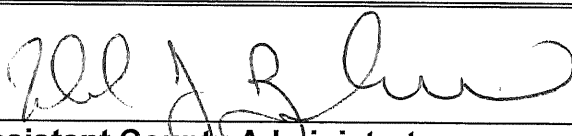
<u>Reappoint</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Mary (Marnie) R. Poncy	9	Health Care Purchaser	Vice Mayor Valeche Comm. Burdick Comm. Abrams Comm. McKinlay Comm. Taylor

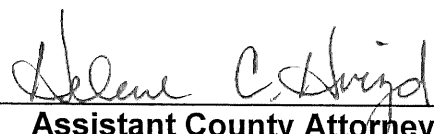
Summary: The Health Council of Southeast Florida, Inc. (Council) is a not-for-profit corporation established pursuant to Section 408.033, Florida Statutes, for the purpose of providing and coordinating health planning activities within Palm Beach, Martin, St. Lucie, Indian River and Okeechobee Counties. The Council consists of twelve members: six representatives for Palm Beach County; two members appointed by Martin County; two members appointed by St. Lucie County; one member appointed by Indian River County; and one member appointed by Okeechobee County. The appointees must be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government officials. Ms. Poncy is eligible for reappointment and expressed a desire to continue to serve. A memo dated March 30, 2016 was circulated to the Board of County Commissioners requesting support of Ms. Poncy's reappointment or requesting additional nominations. No additional nominations were received. The diversity of the Palm Beach County representatives, including Ms. Poncy is: two Caucasian females, one African-American female, one African-American male, and two vacant seats. Countywide (HH)

Background and Justification: The Council is generally charged with providing services that improve the health and quality of life for individuals living in the five county service area. Specific powers identified in their bylaws include: establishing a system for gathering and analyzing data on characteristics of health problems; recommending goals and policies for improving health services; and preparing plans and procedures for attainment of health goals.

Attachments:

1. Boards/Committees Application
2. Biography for Ms. Poncy
3. Memo to BCC dated March 30; 2016
4. Current List of Board Members
5. Section 408.033, Florida Statutes

Recommended by:  4/21/16
Assistant County Administrator **Date**

Legal Sufficiency:  4/21/16
Assistant County Attorney **Date**

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. ~~Please attach a biography or resume to this form.~~

Section I (Department): (Please Print)

Board Name: Health Council of Southeast Florida, Inc. Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: N/A Years. From: May 20, 2016 To: September 30, 2017

Seat Requirement: Resident of Palm Beach County/Health Care Purchaser Seat #: 9

*Reappointment or New Appointment

or to complete the term of N/A Due to: resignation other

Completion of term to expire on: N/A

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Poncy Mary Ritchie
Last First Middle

Occupation/Affiliation: Nurse / Attorney
Owner Employee Officer

Business Name: Joseph C. Kempe, PA

Business Address: 941 North Highway A9A

City & State: Jupiter, FL Zip Code: 33477

Residence Address: 181 Barbados Drive

City & State: Jupiter, FL Zip Code: 33477

Home Phone: () Business Phone: (561) 747-7300 Ext.

Cell Phone: (561) 346-3213 Fax: (561) 777-7222

Email Address: mponcy@jckempe.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR

NONE

NOT APPLICABLE/
(Governmental Entity)

ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- By watching the training program on the Web, DVD or VHS on 3/16 2016
- By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Mary Ritchie Poney Printed Name: Mary Ritchie Poney Date: 3/22/16

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:
Patty Hindle, County Administration
301 N. Olive Avenue, Suite 1101, West Palm Beach, FL 33401
Telephone: (561) 355-3229/Fax: (561) 355-3982/Email: phindle@pbegov.org

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: [Signature] Date: 3/30/16

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 02/01/2016

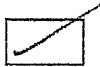
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_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE



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(Governmental Entity)



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Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Pamella Burdick Date: 3-28-2016

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Revised 02/01/2016

Section II Continued:

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Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: S. Abrams Date: 4/12/16

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Revised 02/01/2016

Section II Continued:

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Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Melissa McNeil Date: 4/5/16

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Commissioner's Signature: [Signature] Date: 4/4/16

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Revised 02/01/2016

CURRICULUM VITAE

Marnie Ritchie Poncy, RN, Attorney at Law
Joseph C. Kempe PA
Attorneys and Counselors at Law
HEALTH CARE ADVOCACY AND BIOETHICS LAW
941 North Highway A1A
Jupiter, Florida 33477
Telephone: 561 747 7300
Fax: 561747 7722
E-mail: mponcy@jckempe.com

Ms. Poncy manages the Bioethics and Health Care Advocacy department of the KEMPE firm and offers representation to families, hospitals, trust companies, assisted living facilities, and physicians concerning the legal consequences of health care and end of life decisions. These bioethical decisions have become fraught with legal consequence and conflict, and we have found that legal and medical guidance is often required and very welcome by our clients, their families, their physicians, and health care institutions. At its very basic level, it furthers the ability of our clients to deal with advance directives concerning their health care, assisted living arrangements, and end of life decisions. Most importantly, legal counsel on these subjects secures the clear wishes of our clients and avoids family conflict and potential litigation between family members and health care providers. On a parallel level, through a liaison with tax and other Wealth Management professionals at the Kempe firm, Ms. Poncy is able to secure proper cash flow management and tax treatment of health care needs

EDUCATION:

- Juris Doctor of Law, Nova University Law Center, 1988
- Graduate Studies in Social Work, Barry University, 1981
- Bachelor of Science in Nursing, Georgetown University, 1971

LICENSURE:

- AHCA Certified Health Care Risk Manager, State of Florida, licensed 2010
- Florida Bar Association, Active Member, State of Florida, licensed since 1989
- Registered Nurse (RN), Active, State of Florida, licensed since 1973

PROFESSIONAL APPOINTMENTS & EXPERIENCE:

Present	Private Practice of Bioethics Law and Patient Advocacy JOSEPH C. KEMPE PA ATTORNEYS AND COUNSELORS AT LAW
2002-2010	Adjunct Professor: Palm Beach State College
2009-2012	Lecturer: University of Miami Continuing Education Program
2002 - 2009	Supervising Attorney for the Bioethics Law Project of the Legal Aid Society of Palm Beach County, Florida
1992 - 2002	Private Practice of Law
1989 - 1991	Director of Palm Beach Gardens Medical Center High-Risk Pregnancy Program with the University of Miami Mailman Center for Child Development
1985 - 1988	Law Student: Nova University School of Law
1982 - 1985	March of Dimes Grantee for Palm Beach County to provide nurse/counseling for families of children with birth defects.
1976 - 1982	Nurse Counselor for March of Dimes Birth Defects Clinic

AWARDS AND HONORS:

- Hero in Medicine Award Palm Beach County (2008)
- Guardian Ad Litem Pro Bono Award (2003)
- Recipient, Franklin Delano Roosevelt Humanitarian Award (1985)
- Junior League Nominee, Woman of the Year in Medicine (1983)

GRANTS/ CONTRACTS/PROJECTS:

- Quantum Foundation, local grantee, Bioethics Law Project: Bioethics Collaborative for End-of-Life Education, Outreach, and Advocacy (2005 - 2008)
- Palm Healthcare Foundation, local grantee, Bioethics Law Project (2001 - 2004)
- March of Dimes, national grantee, Maternal/Child Health (1984)
- March of Dimes, local grantee, Maternal/Child Health (1983)

INVITED COMMUNITY LECTURES/WORKSHOPS/PRESENTATIONS:

- The Ethical and Legal Imperatives of Delegation and Documentation
- The Value of Advance Directives in Health Care Planning
- End of Life Care: An Issue for Consumers and Their Families
- Gender Roles and Advance Directive Discussion and Preparation in Families
- Lessons Learned from Tragedy
- Some Legal Issues in Today's Practice of Nursing
- Bioethical Issues and Legal Issues Commonly Confronting Staff: Is the Distinction With or Without a Difference?
- The Necessity for Legal Enforcement of Advance Directives: The Case of Madeline Neuman
- The Law and Do Not Resuscitate Orders
- The Physician Mandate for Patient Advance Directive Discussion and Documentation after Terri Schiavo
- The Necessity of Advance Directives for the Aids Patient
- Lessons Learned from the Teri Schiavo Tragedy
- Mandate for Guardians: Advance Directive Planning WITH and for Wards
- End of Life Care: an Issue for Consumers and Their Families
- Discharge Planning and Advance Directives with the Post-Stroke Patient
- The Role of Clergy in Advocating for Advance Directive Planning
- The Value of Advance Directive Discussion in The Annual Physical: How to Have the Discussion and How to Bill for It
- Public Health Nursing and Patient Advance Directives B A New Type of Vaccination.
- The Role of the Guardian in End of Life Care Plan.
- The Value of the Nurse in Advance Directive Care Planning.
- When the Pediatric Patient has Terminal Illness.
- Legal Issues and Nurse Discharge Plan: Value of Advance Directives as Plan of Care
- Principle of Bioethics (Community Ethics Committee) (Palm Beach Community College)
- The Need for A Community Ethics Committee for Skilled Nursing Facilities in Palm Beach County
- The Value of the *IDEA (Ignoble Death is Easily Avoidable)* as a Care Planning Tool
- The Value of a NICU Ethics Committee: A New Best Practices Standard
- Who Is the Patient?; Whose Autonomy?: Bioethics in the NICU
- Mediation Training Group – Elder Mediation Training
- Health and Wealth Seminar, Mangrove Bay
- Mental Health Law Seminar, VA Medical Center
- Wilmington Trust Seminar
- Navigating your Next Adventure Seminar: Managing your Income in Retirement
- Health Care Seminar, Prosperity Oaks

INVITED STATE and NATIONAL PRESENTATIONS:

- 09/12/05: Area Agency on Aging White House Conference: The Bioethics Law Project A Response to a Community Need.
- 09/23/05: Florida Legal Nurse Consultants State Conference: Medical/Legal Issues in End of Life Care: Standard Care for the Dying, A New Paradigm.

- 01/27/06: Florida Association of School Nurses 11th Annual Conference: The Law as it Pertains to a Curriculum and Practice of a School Nurse
- 02/08/06: National Council of Jewish Women Conference: The Importance of Advance Directive Health Care Planning.
- 03/14/06: National Alliance on Mental Illness (NAMI) Conference: The Value of Advance Directive Planning When Facing Floating Competency Prognosis
- 03/28/06: Florida Nurses' Association State Conference: The Value of the Nurse in Advance Directive Care Planning
- 08/01/06: Florida Association of Public Health Nurses (FAPHN) Conference: Public Health Nursing and Patient Advance Directives: A New Type of Vaccination
- 09/29/06: National Conference of Gerontology Nurse Practitioners (NCGNP): Futile Care: How Good Nursing Care Can Stop It
- 10/11/06: Leadership Institute for Active Aging: The Value of Advance Directives in Health Care Planning
- 12/02/06: Stroke of Hope Conference: Discharge Planning and Advance Directives with the Post-Stroke Patient
- 02/21/07: Florida Association of Women Lawyers State Conference: The Necessity for Legal Enforcement of Advance Directives: The Case of Madeline Neuman
- 03/24/07: Florida Nurses Association District 9 Meeting: Some Legal Issues in Today's Practice of Nursing
- 01/09/09: State Meeting Geriatric Case Managers: Ethics in End of Life Planning
- 05/29/09: Alzheimer's Community Care State Conference: Ethical and Legal Issues Surrounding a Baker Act of an Alzheimer's Patient in a SNF
- 01/16/10: State Conference Geriatric Case Managers: Ethical and Legal Issues Confronting Geriatric Case Managers
- 02/23/10: Annual Florida Meeting of Beth Israel Hospital of Boston Alumnae Retired Nurses: Is There a Role for the Retired Nurse in Today's Healthcare Crisis?
- 03/28/10: Florida Assisted Living Coalition Conference: Repercussions of a Baker Act on the Alzheimer's Patient
- 06/03/10: Alzheimer's Community Care State Conference: Ethical and Legal Issues Surrounding Baker Act of and Alzheimer's Patient in a SNF
- 12/14/12: Legal and Ethical Considerations in Preserving the Right to Healthcare Self-Determination
- 12/19/12: Health Seminar at Prosperity Oaks – Advance Directives – Presentation of Autonomy
- 2/28/13: Navigating your Next Adventure
- 6/25/14: Wilmington Trust Seminar: Benefit vs. Burden Test in Medicaid Situations that have legal implications
- 10/16/14: Mental Health Law Seminar – Why Bioethic Law is Important in Mental Health Care of Dementia Patient
- 2/25/15: Health and Wealth Seminar at Mangrove Bay – the Financial Value of Good Healthcare Directives
- 3/05/15: Mediation Training Group – Elder Mediation Training – End of Life Legal/Medical Issues

COMMUNITY SERVICE:

Memberships:

- Health Council of South East Florida; Chairman of the Board - Present
- State Attorney's Task Force for Crimes against the Elderly (2002-2009)
- Treasure Coast Health Council Board of Directors (appointee) (Vice-President 2011)
- Hospice of Palm Beach County, Ethics Committee
- Hospice by the Sea, Ethics Committee
- St. Mary's Hospital, Ethics Committee
- Area Agency on Aging, Planning Committee (2001-2006)
- Florida Bioethics Network, University of Miami
- Health Law Workgroup, Nova University
- Florida Association of Women Lawyers (FAWL)
- Palm Beach County Bar Association

- Palm Beach County Coalition for End of Life Care (2004-2006)
- Palm Beach County Medical Society, Heroes in Medicine Committee
- Palm Beach Atlantic College of Nursing, Advisory Committee
Center for Applied Ethics at Palm Beach State College
Palm Beach Medical Society Circle of Friends

Previous Memberships:

- Omega, Board of Directors and Planning Committee
- Area Agency on Aging, Board of Directors
- The March of Dimes
- The Noreen McKeen Nursing Home Ethics Board
- Children's Genetic Disease Foundation
- Palm Beach Gardens Medical Center Ethics Committee
- Snug Harbor Foundation
- HomeSafe of Palm Beach County
- Life Guides, Rallying Points Coalition
- Palm Healthcare, Health Workforce Partnership

FELLOWS MENTORED:

Law: Leanne M. Innet, Certified Clinical Perfusionist (CCP) Summer 2004
General exposure to Bioethics to a Third year law student with a clinical background

Clinical/Research Fellows:

Fellow in Nursing: Rhonda Lesniak MSN, PhD candidate Winter 2007
Issue: Do Not Resuscitate Orders in Florida Schools

BIBLIOGRAPHY

Journal Publications/Original Papers:

1. Poncy, M. R., "DNR: A Victim of Form Over Substance, A Bioethics Position Paper". *On Call Magazine* August 2006.
2. Poncy, M.R., "Dancing in the Dark, A Bioethics Position Paper". *Florida Bioethics Network Letter* Winter-Spring 2004.
3. Poncy, M.R., "Truth and Consequences, A Bioethics Position Paper" *On Call Magazine* June 2003.
4. Poncy, M. R., "Why a Baker Act is Medically, Ethically and Legally Inappropriate for an Alzheimer's Patient in a Nursing Home". *The Publication for Alzheimer's community Care, Inc.* Summer 2009



MEMORANDUM

County Administration

P.O. Box 1989

West Palm Beach, FL 33402-1989

(561) 355-2030

FAX: (561) 355-3982

www.pbcgov.com



Palm Beach County Board of County Commissioners

Mary Lou Berger, Mayor

Hal R. Valeche, Vice Mayor

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

County Administrator

Verdenia C. Baker

TO: Mayor Mary Lou Berger & Members of the Board of County Commissioners
THRU: Jon Van Arnam, Deputy County Administrator
FROM: Patty Hindle, Agenda Coordinator
DATE: March 30, 2016
RE: Health Council of Southeast Florida, Inc.

The Health Council of Southeast Florida, Inc. is comprised of 12 members: six representatives appointed by Palm Beach County; one appointed representative each for Indian River County; and Okeechobee County; and two representatives each appointed by Martin County and St. Lucie County.

One of Palm Beach County's representatives, Ms. Marnie R. Poncy's (Health Care Purchaser) current term will expire on May 19, 2016. Ms. Poncy, who is eligible for reappointment, has served on the Council since August 1992.

In addition to the health care purchaser seat above, Palm Beach County has two vacancies on the Council. One seat for a health care provider and one seat for a health care purchaser.

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A "Health care provider" is an individual who delivers health services or who is a member of an organization that delivers health services. Health care providers include but are not limited to physicians, medical doctors, osteopaths, dentists, podiatrists, nurses, chiropractors, physician assistants, dental assistants, mental health professionals and other allied health professionals, administrators and employees of health care institutions.

A "Health care purchaser" is an individual who is responsible for or an authorized member of an organization or agency which is responsible for the purchase of health services for a group of 25 or more individuals either directly or through acquisition of health insurance coverage. Health care purchasers as described above include, but are not limited to representatives of individual businesses, employer coalitions, governmental units, labor organizations, consumer groups and health insurers.

A "Non-governmental health care consumer" is an individual who is not a health care provider or a health care purchaser as defined above. Non-governmental health care consumers include but are not limited to elected government officials, members of the general public and representatives of consumer organizations.

The Council meets the third Thursday of each month at 4:00 p.m. at their headquarters in Palm Beach Gardens (600 Sandtree Drive, Suite 101). The diversity of the Palm Beach County representatives, including Ms. Poncy is: two Caucasian females, one African-American female, one African-American male, and two vacant seats.

If you wish to support Ms. Poncy's reappointment, please sign and return the enclosed Boards/Committees Application. If you wish to have another nominee who meets the health care purchaser seat requirement considered for appointment, or if you have a nominee(s) who meets the health care provider or health care purchaser seat requirement(s), please provide the nominee's contact information.

Staff would like to agenda Ms. Poncy's reappointment for the May 3, 2016 meeting, so please either return the signed application or provide other nominee(s) contact information no later than April 15, 2016. If you have any questions, please contact Patty Hindle at 355-3229 or me at 355-2740.

Enclosures:

- 1) Ms. Poncy's Application and Biography
- 2) Ms. Poncy's Attendance Record
- 3) Current Membership Roster
- 4) Section 408.033, Florida Statutes



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
HEALTH COUNCIL OF SOUTHEAST FLORIDA. INC.**

I. AUTHORITY :

Chapter 82-182, Laws of Florida 1982; and F.S. 408.033.

II. APPOINTING BODY :

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The local Health Council shall consist of twelve (12) members: six (6) representatives for Palm Beach County; one (1) member appointed by Indian River County, two (2) members appointed by Martin County, one (1) member appointed by Okeechobee County, and two (2) members appointed by St. Lucie County. Appointees shall be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government officials. A majority of the Council members must be health care purchasers and health care consumers and the Council must include a representative number of persons over 60 years of age. Appointments shall be for a term of two (2) years and be eligible for reappointment. Any member of the Council appointed by PBC may be removed by the BCC for misfeasance, malfeasance or willful neglect of duty.

EXTENDED COMPOSITION :

IV. MEETINGS :

Third Thursday of the month at 4:00p.m., 600 Sandtree Drive, Ste. 101, Palm Beach Gardens, FL 33403

V. FUNCTIONS :

For the purpose of defining health service needs and assisting health care facilities, health care providers and hospices to develop programs of service that will assure the best possible health service to the community.

Attachment # 4
Page 1 **of** 5

* indicates a member having an action pending

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Outside Entity

County Administration

CONTACT PERSON

LaShaundra T. Highsmith

Jon Van Arnam

ADDRESS

600 Sandtree Dr Ste 101
Palm Beach Gardens FL 33403
Phone # 561-844-4220 Ext. 3500

301 N Olive Ave Ste 1101 Governmental Center
West Palm Beach FL 33401
Phone # 561-355-2740

Attachment # 4
Page 2 **of** 5

* indicates a member having an action pending



HEALTH COUNCIL OF SOUTHEAST FLORIDA, INC.

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
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Appointed By : Indian River County Commission

1	Vacant	Member				Health Care Provider			/
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NOMINATED BY :

Appointed By : Martin County Commission

2	* Anita Cocoves Martin County 2401 SE Monterey Rd Stuart FL 34996	Member	CA	F	772-419-6932	Health Care Purchaser	11/18/2011	11/18/2013	11/17/2015
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NOMINATED BY :

3	Jennifer Doak 2429 E Ginger Terrace Jensen Beach FL 34957	Member	UN	F	772-215-7012	Health Care Provider	05/24/2015		05/23/2017
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NOMINATED BY :

Appointed By : Okeechobee County Board of County Commissioners

4	* Christine Bishop Brennan Eyecare 710 S Parrott Ave Okeechobee FL 34974	Member	CA	F	863-467-0595	Health Care Provider	04/25/2014		04/24/2016
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NOMINATED BY :

* indicates a member having an action pending

Attachment # 4

Page 3 of 5

Appointed By : At-Large/Palm Beach County Board of County Commissioners

5 Patricia "Pat" Avakian Member CA F 561-689-3176 Health Care Consumer 01/15/2013 02/03/2015 09/30/2016

178 Somerset I
West Palm Beach FL 33417

NOMINATED BY :

6 Addie L. Greene Member AA F 56-184-50847 Health Care Consumer 08/19/2014 08/18/2016

1617 Boardman Ave
Mangonia Park FL 33407

NOMINATED BY :

7 Vacant Member Health Care Provider

NOMINATED BY :

8 Gary D. Strother Member AA M 561-284-5925 Health Care Provider 04/07/2015 09/30/2016

298 Camellia St
Palm Beach Gardens FL 33410

NOMINATED BY :

Attachment # 4

Page 4 of 5

* indicates a member having an action pending

Appointed By : At-Large/Palm Beach County Board of County Commissioners

9	Marnie R Poncy Joseph C. Kempe, PA	Member	CA	F	561-747-7300 X115	Health Care Purchaser	08/25/1992	05/20/2014	05/19/2016
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941 N Highway A-1-A
Jupiter FL 33477

NOMINATED BY :

10	Vacant	Member				Health Care Purchaser			
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NOMINATED BY :

Appointed By : St. Lucie County Board of County Commissioners

11	Vacant	Member				Health Care Consumer			/
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NOMINATED BY :

12	Vacant	Member				Health Care Provider			
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NOMINATED BY :

Attachment # 4
Page 5 **of** 5

* indicates a member having an action pending

Select Year:

The 2015 Florida Statutes

Title XXIX
PUBLIC HEALTH

Chapter 408
HEALTH CARE ADMINISTRATION

[View Entire Chapter](#)

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private nonprofit agencies serving the counties of a district. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The appointees shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The local health council shall provide each county commission a schedule for appointing council members to ensure that council membership complies with the requirements of this paragraph. The members of the local health council shall elect a chair.

Members shall serve for terms of 2 years and may be eligible for reappointment.

(b) Each local health council may:

1. Develop a district area health plan that permits each local health council to develop strategies and set priorities for implementation based on its unique local health needs.
2. Advise the agency on health care issues and resource allocations.
3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.
4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.
5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.
6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.
7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the

implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

- a. A copy and appropriate updates of the district health plan;
 - b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and
 - c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.
8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.
9. In conjunction with the Department of Health, plan for services at the local level for persons infected with the human immunodeficiency virus.
10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.
11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.
- (c) Local health councils may conduct public hearings pursuant to s. 408.039(3)(b).
 - (d) Each local health council shall enter into a memorandum of agreement with each regional planning council in its district that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government, regional planning council, and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.
 - (e) Local health councils may employ personnel or contract for staffing services with persons who possess appropriate qualifications to carry out the councils' purposes. However, such personnel are not state employees.
 - (f) Personnel of the local health councils shall provide an annual orientation to council members about council member responsibilities.
 - (g) Each local health council may accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the Department of Health.

(2) FUNDING.—

(a) The Legislature intends that the cost of local health councils be borne by assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks and clinical laboratories operated by practitioners for exclusive use regulated under s. 483.035, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, health care clinics, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics. Fees

assessed may be collected prospectively at the time of licensure renewal and prorated for the licensure period.

(b)1. A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and an assisted living facility licensed under chapter 429 shall be assessed an annual fee based on number of beds.

2. All other facilities and organizations listed in paragraph (a) shall each be assessed an annual fee of \$150.

3. Facilities operated by the Department of Children and Families, the Department of Health, or the Department of Corrections and any hospital which meets the definition of rural hospital pursuant to s. 395.602 are exempt from the assessment required in this subsection.

(c)1. The agency shall, by rule, establish fees for hospitals and nursing homes based on an assessment of \$2 per bed. However, no such facility shall be assessed more than a total of \$500 under this subsection.

2. The agency shall, by rule, establish fees for assisted living facilities based on an assessment of \$1 per bed. However, no such facility shall be assessed more than a total of \$150 under this subsection.

3. The agency shall, by rule, establish an annual fee of \$150 for all other facilities and organizations listed in paragraph (a).

(d) The agency shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e) A health facility which is assessed a fee under this subsection is subject to a fine of \$100 per day for each day in which the facility is late in submitting its annual fee up to the maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and shall transfer such funds to the Department of Health for funding of the local health councils. The remaining certificate-of-need application fees shall be used only for the purpose of administering the certificate-of-need program.

(3) DUTIES AND RESPONSIBILITIES OF THE AGENCY.—

(a) The agency is responsible for the coordinated planning of health care services in the state.

(b) The agency shall develop and maintain a comprehensive health care database for the purpose of health planning and for certificate-of-need determinations. The agency or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the agency, through rule, to be necessary for meeting the agency’s responsibilities as established in this section.

(c) The Department of Health shall contract with the local health councils for the services specified in subsection (1). All contract funds shall be distributed according to an allocation plan developed by the department. The department may withhold funds from a local health council or cancel its contract with a local health council which does not meet performance standards agreed upon by the department and local health councils.

History.—s. 20, ch. 87-92; s. 40, ch. 88-380; s. 35, ch. 88-394; s. 1, ch. 89-104; s. 24, ch. 89-294; s. 2, ch. 89-296; s. 15, ch. 89-527; s. 2, ch. 91-48; s. 22, ch. 91-158; ss. 2, 104, ch. 91-282; s. 5, ch. 91-429; ss. 15, 17, ch. 92-33; s. 2, ch. 92-174; s. 66, ch. 92-289; s. 22, ch. 93-120; s. 11, ch. 93-129; s. 33, ch. 93-206; s. 8, ch. 93-267; s. 9, ch. 95-144; s. 29, ch. 95-210; s. 3, ch. 95-394; s. 11, ch. 97-79; s. 1, ch. 97-91; s. 35, ch. 97-103; s. 62, ch. 97-237; s. 175, ch. 99-8; s. 4, ch. 2000-256; s. 5, ch. 2000-318; s. 3, ch. 2004-383; s. 75, ch. 2006-197; s. 114, ch. 2010-102; s. 18, ch. 2012-160; s. 162, ch. 2014-19.

Note.—Former s. 381.703.