



Jeffrey A. Meyers
Commissioner
Melissa St Cyr
Chief Legal Officer

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF LEGAL AND REGULATORY SERVICES

BUREAU OF LICENSING & CERTIFICATION

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June 25, 2019

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

1. Pursuant to New Hampshire RSA 99:8, Increases for Recruitment Purposes, and in accordance with Per 904.01 of the Rules of the Division of Personnel, Request for Temporary Increase, authorize the Department of Health and Human Services (DHHS), Bureau of Licensing and Certification to continue an increase in hourly rate by thirty percent (30%) for recruitment and retention purposes for the Licensing & Evaluation Coordinator positions and their immediate supervisors currently assigned to the Health Facility Licensing Unit and Health Facility Certification Unit for an additional two year period effective upon Governor and Council approval through August 31, 2021. The hourly rate increase was initially approved by the Governor and Executive Council in July 2007 and re-approved in 2009, 2011, 2013, 2015 and 2017.

2. Pursuant to New Hampshire RSA 99:8, Increases for Recruitment Purposes, and in accordance with Per 904.01 of the Rules of the Division of Personnel, Request for Temporary Increase, authorize the Department of Health and Human Services, Bureau of Licensing and Certification to continue an increase in hourly rate by fifteen percent (15%) for recruitment and retention purposes for the Unit Chief (Supervisor VII) assigned to the Health Facility Certification Unit for an additional two year period effective upon Governor and Council approval through August 31, 2021. The hourly rate increase was initially approved by the Governor and Executive Council in 2015 and re-approved in 2017.

EXPLANATION

In July 2007 and again in 2009, 2011, 2013, 2015 and 2017, the Governor and Executive Council approved a thirty percent (30%) increase for recruitment and retention purposes for Licensing and Evaluation Coordinators and their immediate supervisors assigned to the Bureau of Licensing and Certification Health Facilities Licensing Unit and Health Facilities Certification Unit for a period of two (2) years. In addition, in 2015 and again in July 2017, the Governor and Executive Council approved a fifteen percent (15%) increase for the Unit Chief of the Health Facility Certification Unit for the same two (2) year period.

Licensing and Evaluation Coordinators perform clinical and life safety inspections, called surveys, of facilities caring for some of the State's most vulnerable citizens. These facilities include Nursing Homes, Residential Care Facilities, Hospitals, Home Health Care agencies, Home Hospice agencies, Hospice Homes, Community Residences serving individuals with developmental disabilities or mental illness, and more. In order for a survey of a certified home or provider to be valid, at least one Registered Nurse must directly participate in all aspects of the survey. Moreover, a Registered Nurse must go through a federally mandated orientation and training period lasting approximately one year before participating in a certification review as a member of the survey team. Only with the 30% salary enhancement has the Bureau of Licensing and Certification been able to retain and recruit Registered Nurses and other hard to recruit professionals, such as physical therapists, in these positions.

The Department requests a continuation of the 30% salary enhancement in order to retain those in Licensing and Evaluation Coordinator positions and remain competitive with the private sector.

If the Bureau is unable to maintain its staffing levels, the ability of the Licensing and Certification Units to survey these facilities in a timely manner would be significantly undermined, placing vulnerable citizens at risk. In addition, the Department receives federal funding under an agreement with the Centers for Medicare and Medicaid Services (CMS) to conduct surveys of Medicare certified facilities such as nursing homes and hospitals. This agreement includes very strict requirements regarding the work that must be performed by the Health Facility Certification Unit, how that work must be prioritized, and the timeframes in which the work must be completed. Failure to perform the mandatory workload could have had significant financial impact on the Department and create a significant health and safety risk for the vulnerable citizens in the care of these facilities. At this time, there are one vacant Licensing and Evaluation Coordinator positions in the Health Facility Licensing Unit. The Department is currently recruiting to fill this vacant position. There continues to be a severe shortage of Registered Nurses in the United States generally and in New Hampshire specifically. Nurses in the private sector continue to earn far more than nurses working in State positions. Retention of Registered Nurses in Licensing and Evaluation Coordinators positions in these units is due solely to the 30% salary enhancement.

This request also includes a request to renew a fifteen percent (15%) salary enhancement for the Unit Chief of the Health Facility Certification Unit.

The estimated salary cost difference of this enhancement is:

05-095-095-952010-51460000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVCS, HHS: COMMISSIONER, OFFICE OF PROGRAM SUPPORT, HEALTH FACILITIES ADMINISTRATION

FISCAL YEAR	CLASS	TITLE	ACTIVITY CODE	AMOUNT
2020	010-500100	Personnel Services-Perm	95200024	\$339,495.98
2020	050-500109	Personnel Services-Temp	95200024	\$23,428.78
2021	010-500100	Personnel Services-Perm	95200024	\$345,603.68
2021	050-500109	Personnel Services-Temp	95200024	\$23,428.78
			Total:	\$731,957.21

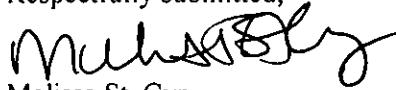
05-095-095-952010-56820000 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVCS, HHS: COMMISSIONER, OFFICE OF PROGRAM SUPPORT, COMMUNITY RESIDENCES

FISCAL YEAR	CLASS	TITLE	ACTIVITY CODE	AMOUNT
2020	010-500100	Personnel Services-Perm	95200017	\$100,549.65
2021	010-500100	Personnel Services-Perm	95200017	\$101,673.00

			Total:	\$202,222.65
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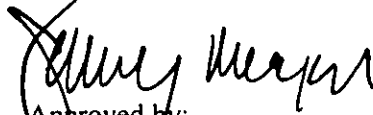
The salaries referenced above are currently funded in appropriation 05-95-95-952010-51460000-010 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVCS, HHS: COMMISSIONER, OFFICE OF PROGRAM SUPPORT, HEALTH FACILITIES ADMINISTRATION and 05-95-95-952010-56820000-010 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVCS, HHS: COMMISSIONER, OFFICE OF PROGRAM SUPPORT, COMMUNITY RESIDENCES.

Respectfully submitted,



Melissa St. Cyr,

Chief Legal Officer



Approved by:
Jeffrey A. Meyers,
Commissioner



State Of New Hampshire
DIVISION OF PERSONNEL
Department of Administrative Services
State House Annex – 28 School Street
Concord, New Hampshire 03301

CHARLES M. ARLINGHAUS
Commissioner
(603) 271-3201

LORRIE A. RUDIS
Director of Personnel
(603) 271-3261

6/25/19

Ms. Marilyn Doe
Bureau Chief
Bureau of Human Resources
Department of Health and Human Services
129 Pleasant Street
Concord, NH 03301

Dear Ms. Doe:

I have reviewed the Department of Health and Human Services request to renew the salary enhancement for the following positions titles/classifications, which are assigned to the Health Facility Licensing Unit and the Health Facility Certification Units: Chief of Health Facility Certification Unit (Position #14753) at 15%, Immediate Supervisors of Licensing & Evaluation Coordinators at 30%, Licensing & Evaluation Coordinators at 30%.

These titles include both RN and Non-RN multi-disciplinary teams (i.e., social workers, physical therapists, etc.) that provide critical assessment and inspection of state and federally funded facilities and institutions serving New Hampshire's vulnerable populations. The inspection mandates, including the Centers for Medicare and Medicaid Services criteria, labor market conditions, and salary analysis, provided justification relative to the ongoing challenges with recruitment and retention as well as capacity issues, turnover, and low staffing levels, which lead to the approval of the salary enhancement in July 18, 2007.

The Department of Health and Human Services explains that enhancements have significantly ameliorated the recruitment, retention and staffing issues and that staffing has successfully affected and aided in the Bureau's capacity to provide critical services in ensuring that regulations, rules, and laws are appropriately applied, and for the ongoing continuation/receipt of funding to the State.

The Department currently cites market conditions, shortage of nursing, healthcare and service providers, and a need to maintain staffing levels at a competitive salary, to continue with successful staffing for the Health Facility Licensing Unit and the Health Facility Certification Units. Materials provided also support the proposal for enhancement renewals. Further, the Division of Personnel's Classification Section has analyzed the industry trends and staffing patterns for Registered Nurses and health care providers in New Hampshire and throughout various state agencies that coincides with the Bureau of Licensing and Certification's assessment. The Classification Section is also working with The Department of Health and Human Services on proposed changes for promotional progression and review of these positions/titles for possible reallocation or migration to a new classification.

Therefore per RSA 99:8 – Rule 904.01 (b), I concur with The Department of Health and Human Services request and am recommending renewal of salary enhancement per 904.01. A request for Temporary Increase, recommendation to Governor and Council, shall be in the form of a suggested percentage increase in the hourly wage of the class, for a period not to exceed 24 months. I find that you have met the documentation requirements under the Personnel Rules to request a renewal of enhancement, and you may proceed with Governor and Council Request to extend the following:

Chief of Health Facility Certification Unit (Position #14753) at 15%
Immediate Supervisors of Licensing & Evaluation Coordinators at 30%
Licensing & Evaluation Coordinators at 30%

Sincerely,



MRR

Lorrie A. Ryals
Director of Personnel
NH Department of Administrative Services
28 School Street
Concord, NH 03301

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Legal and Regulatory Services
Intra-agency Communication

TO: Jeffrey A. Meyers, Commissioner

FROM: Melissa St. Cyr,
 Chief Legal Officer

RE: Request for Approval of Extension of 30% Salary Enhancement

DATE: June 20, 2019

Division: Office of Legal and Regulatory Services – Health Facility Certification Unit
 Office of Legal and Regulatory Services – Health Facility Licensing Unit

Position Numbers:

Division	Position #	Title	Labor Grade	Funding Code
095	14670	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14809	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	19612	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	15508	Licensing & Evaluation Coordinator	20	010 095 5682 010
095	14639	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14638	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	15037	Licensing & Evaluation Coordinator	20	010 095 5682 010
095	14597	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	19613	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14738	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14957	Licensing & Evaluation Coordinator	20	010 095 5682 010
095	19611	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14595	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14701	Licensing & Evaluation Coordinator	20	010 095 5682 010
095	14610	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14796	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	19615	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	40623	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	42995	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	40624	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	14609	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	TMPPT5286	Licensing & Evaluation Coordinator	20	010 095 5146 050
095	42993	Supervisor IV	25	010 095 5146 010
095	42992	Supervisor IV	25	010 095 5146 010
095	15361	Supervisor IV	25	010 095 5682 010
095	14753	Supervisor VII	28	010 095 5146 010
095	TMPPT5285	Licensing & Evaluation Coordinator	20	010 095 5146 050
095	40410	Licensing & Evaluation Coordinator	20	010 095 5146 010
095	30318	Supervisor V	20	010 095 5146 010

In accordance with RSA 99:8 and as per Personnel Rule 904.01, the Department of Health and Human Services Office of Legal and Regulatory Services, Bureau of Licensing and Certification requests approval for the renewal of a thirty percent (30%) increase in the compensation of the Licensing & Evaluation Coordinator positions and their immediate supervisors currently assigned to the Health Facility Licensing Unit and the Health Facility Certification Unit in the positions set forth above, as well as the renewal of a fifteen percent (15 %) increase in compensation Chief of the Health Facility Certification Unit (position 14753).

Description as to why an extension of the salary enhancement is necessary at this time:

In 2007, the Bureau requested a 30% salary enhancement for all licensing and evaluation coordinators as well as their immediate supervisors. The purpose of the salary increase was to enable recruitment and retention of these positions. At that time, the Health Facility Licensing Unit and the Health Facility Certification Unit within the Bureau were significantly understaffed and had been so for a considerable period of time. This was particularly true of the positions that required the employee to be a Registered Nurse. The salary for these positions were not anywhere near competitive with the private sector. Registered Nurses in the private sector earned far more than the salary paid to a Registered Nurse in the position of Licensing & Evaluation Coordinator. Despite ongoing efforts to recruit qualified candidates, the Department was unable to do so. Many of these positions had been vacant for more than a year. Few qualified individuals expressed interest in the position only to decline to interview once they learned the compensation for the position. Licensing & Evaluation Coordinator were beginning to resign their positions to accept a higher paying job elsewhere. One individual stated that he loved the work but could not justify remaining in the position to himself or his family when he could easily get a job elsewhere earning far more. Others expressed that they too would be forced to leave if their salary did not increase.

Licensing and Evaluation Coordinators conduct surveys of facilities housing some of the State's most vulnerable citizens. These include Nursing Homes, Residential Care Facilities, Home Health Agencies and Hospitals. The low staffing levels greatly undermined the ability of the Licensing and Certification Units to survey these facilities in a timely manner, placing these vulnerable citizens at risk. Moreover, the Department receives federal funding under an agreement with the Centers for Medicare and Medicaid Services (CMS) to conduct surveys of Medicare certified facilities such as nursing homes and hospitals. This agreement includes very strict requirements regarding the work that must be performed by the Health Facility Certification Unit, how that work must be prioritized, and the timeframes in which the work must be completed. As of 2007, the Health Facility Certification Unit did not have the number of staff necessary to complete the minimum amount of work required by CMS. Failure to perform the mandatory workload could have had significant financial impact on the Department and create a significant health and safety risk for the vulnerable citizens in the care of these facilities.

In addition to the workload noted above, to meet CMS requirements, a Registered Nurse must directly participate in all aspects of a certification survey. Moreover, a Registered Nurse must go through a federally mandated orientation and training period that typically lasts a year before he or she can participate in a certification review as a member of the survey team. This makes the retention of Registered Nurses vital to the success of the program and the continued receipt of federal funding.

In an effort to address the staffing shortage, the Bureau of Licensing and Certification sought a 30% salary enhancement for the Licensing and Evaluation Coordinators in the Health Facility Licensing Unit and the Health Facility Certification Unit. The request included both RN and non-RN

Licensing and Evaluation Coordinators. The decision was made to include both RN and non-RN Licensing and Evaluation Coordinators as they frequently work as teams and they do essentially the same tasks during the course of an inspection. In addition, CMS requires that the Health Facility Certification Unit utilize multi-disciplinary teams that include nurses and other professionals, such as physical therapists and social workers.

Fortunately, the request for a 30% salary enhancement was granted effective July 18, 2007. The enhancement has very much had the desired effect. Almost immediately, the Department began to successfully recruit and retain qualified personnel. Most significantly, the Certification Unit was able to lure back a Licensing and Evaluation Coordinator who had resigned. Another Licensing and Evaluation Coordinator who had submitted his resignation withdrew that resignation and decided to remain with the Certification Unit. This was extremely important, as these individuals had completed the federally mandated orientation and training period and could participate in surveys as the Registered Nurse on the survey team.

It continues to be essential to have the 30% enhancement in place. The Bureau is only able to retain Licensing and Evaluation Coordinators in these units because the 30% enhancement is in effect. In recent years, two Licensing and Evaluation Coordinators, one RN and one physical therapist, as well as a Field Supervisor, have resigned from their positions to take higher paying positions in the private sector. Even with the enhancement, these employees could make significantly more money in the private sector. Were the 30% enhancement to lapse, it is certain that several Licensing and Evaluation Coordinators would leave for higher paying jobs elsewhere. Several more would likely retire rather than experience a 30% reduction in pay.

From a recruitment standpoint, the need for the enhancement is greater today than it was in 2007. With the unemployment rate at an all-time low and a significant healthcare workforce shortage throughout the state, it is even more imperative that we recruit and retain qualified surveyors. The Department needs to continue to perform its functions to ensure the health and safety of the vulnerable individuals in the care of the health facilities across the state and this enhancement is vital to that function.

This request also includes a request to renew a fifteen percent (15%) salary enhancement for the Unit Chief of the Health Facility Certification Unit Position 14753 who is an RN who supervises the licensing and evaluation coordinators in the Certification Unit and receives the enhancement for the same reasons listed above.

The Bureau has submitted a detailed and comprehensive proposal to the Division of Personnel to move us away from the enhancement business model. Our proposal provides for the establishment of a promotional progression series that will support our ability to recruit and retain qualified professionals. This proposal creates a new position called "Health Facility Surveyor". This new position would have four tiers to promote professional development within the unit and would reclass these positions to a labor grade appropriate for the work they are doing. Currently, the category of licensing and evaluation coordinator is used in other areas of the Department and therefore cannot be changed to cater to the needs of health facilities licensing and certification. This promotional progression will mold the position to fit the work being performed and address both recruitment and retention concerns.

The estimated salary cost difference of this enhancement is:

SFY 2020-2021 Annual Pay July 1, 2019 – June 30, 2021

Federal: \$556,490.94

General: \$271,472.67

Other: \$106,216.25
Total: \$934,179.86

Enclosed, please find the following information:

- Fiscal impact sheet for all affected positions

This increase is necessary to maintain a competitive salary for recruiting and retaining our Licensing & Evaluation Coordinator positions. If approved the overall general fund impact of this increase would be \$271,472.67 and we would ensure that the salary for each position in this classification would be increased by the authorized enhancement percentage.

I am available to answer questions you may have related to this reclassification request. I appreciate your attention to this matter.

Requested By:

Melissa St. Cyr

Date

_____ Approved

_____ Not Approved

Jeffrey A. Meyers, Commissioner

Date

OFFICE OF PROGRAM SUPPORT (9520) HEALTH FACILITIES AND COMMUNITY RESIDENCES
SFY 2020

SFY 2021

POSITION-NBR	FIRST-NM	MIDDLE-NN	LAST-NM	LG	STEP	ACCT UNIT	SALARY	ENHANCEMENT	SALARY W/ENHANCEMENT	SALARY	ENHANCEMENT	SALARY W/ENHANCEMENT
14597	KAREN	M	MALONEY	20	8	51460000	\$55,555.50	\$16,666.65	\$72,222.15	\$55,555.50	\$16,666.65	\$72,222.15
42992	JOHN	H	LAMBRUKOS	25	9	51460000	\$71,916.00	\$21,574.80	\$93,490.80	\$71,916.00	\$21,574.80	\$93,490.80
42993	DARLENE	E	LARO	25	5	51460000	\$60,469.50	\$18,140.85	\$78,610.35	\$63,180.00	\$18,954.00	\$82,134.00
19613	DONNA		BELANGER	20	9	51460000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
42995	GLENN	W	MARTIN	20	8	51460000	\$55,555.50	\$16,666.65	\$72,222.15	\$57,124.00	\$17,137.20	\$74,261.20
19615	GRACE	J	LAPOINTE	20	4	51460000	\$46,761.00	\$14,028.30	\$60,789.30	\$48,672.00	\$14,601.60	\$63,273.60
14796	PAULETTE		BEYER	20	6	51460000	\$50,700.00	\$15,210.00	\$65,910.00	\$52,845.00	\$15,853.50	\$68,698.50
14639	EUGENE	F	BOIS	20	6	51460000	\$50,700.00	\$15,210.00	\$65,910.00	\$52,845.00	\$15,853.50	\$68,698.50
40624	STACY	J	NACHMAN	20	8	51460000	\$55,555.50	\$16,666.65	\$72,222.15	\$55,555.50	\$16,666.65	\$72,222.15
14738	KARA	E	DOWNES	20	6	51460000	\$50,700.00	\$15,210.00	\$65,910.00	\$52,845.00	\$15,853.50	\$68,698.50
14610	DEBORA	L	WYMAN	20	9	51460000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
14595	KRISTIE	V	HOLTZ	20	9	51460000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
14609	JANE	B	KENDALL	20	9	51460000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
19611	KERRI	A	JOHNSON	20	5	51460000	\$48,672.00	\$14,601.60	\$63,273.60	\$50,700.00	\$15,210.00	\$65,910.00
40623	UZETTE		WEE SIT	20	4	51460000	\$46,761.00	\$14,028.30	\$60,789.30	\$48,372.00	\$14,511.60	\$62,883.60
19612	JOHN	S	HANCOCK	20	9	51460000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
14670	AARON	W	DOYLE	20	7	51460000	\$52,845.00	\$15,853.50	\$68,698.50	\$52,845.00	\$15,853.50	\$68,698.50
14809	RODNEY	L	GAGNE	20	9	51460000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
14753	MICHAEL	E	FLEMING	28	9	51460000	\$82,894.50	\$12,434.18	\$95,328.68	\$82,894.50	\$12,434.18	\$95,328.68
40410	BRIAN	E	NEWBURY	20	2	51460000	\$43,114.50	\$12,934.35	\$56,048.85	\$44,830.50	\$13,449.15	\$58,279.65
30318	VACANT			26	1	51460000	\$53,176.50	\$15,952.95	\$69,129.45	\$55,555.50	\$16,666.65	\$72,222.15
TMPPTS285	THOMAS		CHAMBERLIN	20	9	51460000	\$45,590.48	\$13,677.14	\$59,267.62	\$45,590.48	\$13,677.14	\$59,267.62
TMPPTS286	VACANT			20	1	51460000	\$32,505.46	\$9,751.64	\$42,257.10	\$32,505.46	\$9,751.64	\$42,257.10
15361	PETER	E	BACON	26	8	56820000	\$71,916.00	\$21,574.80	\$93,490.80	\$71,916.00	\$21,574.80	\$93,490.80
15508	KERRY	A	POLIQUIN	20	2	56820000	\$43,114.00	\$12,934.20	\$56,048.20	\$44,830.50	\$13,449.15	\$58,279.65
14638	ELIZABETH	M	HOEKSTRA	20	5	56820000	\$48,672.00	\$14,601.60	\$63,273.60	\$50,700.00	\$15,210.00	\$65,910.00
14957	ALVA	L	SWANSON	20	9	56820000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
15037	JAY	F	KURINSKAS	20	9	56820000	\$57,954.00	\$17,386.20	\$75,340.20	\$57,954.00	\$17,386.20	\$75,340.20
14701	SUE	A	NICKERSON	20	8	56820000	\$55,555.50	\$16,666.65	\$72,222.15	\$55,555.50	\$16,666.65	\$72,222.15

Total \$1,586,361.94 \$463,474.41 \$2,049,836.35 \$1,610,465.44 \$470,705.46 \$2,081,170.90

Total Enhancement \$934,179.86
 59.57% \$556,490.94 Federal
 29.06% \$271,472.67 General
 11.37% \$106,216.25 Other

	FY 2020	FY 2021
56820000	500100 \$100,549.65	\$101,673.00 \$202,222.65
51460000	500100 \$339,495.98	\$345,603.68 \$685,099.65
51460000	500109 \$23,428.78	\$23,428.78 \$46,857.56
		\$731,957.21
		\$934,179.86