

SPECIAL COMMISSIONERS MEETING – TUESDAY, MAY 14, 2002

Thomas R. Bahr called the meeting to order at 9:30 a.m. with Patricia G. Geissman and Stephen D. Hambley present. Mr. Bahr is chairing this special discussion session.

A sign up sheet is attached as Exhibit A.

Mr. Bahr stated that the format today will be to allow the public comment at the beginning with each individual having 5 minutes to speak.

Jim Dudek asked why the Commissioners are developing an admission policy for the County Home after the current administration has worked for the Board for 3 to 6 years without any revisions to the policy. In his opinion it is because of a tax levy that was overwhelming supported by the residents of the county. The message from the voters should be clear that they support what is going on at the Home with the current administration. If the Commissioners aren't willing working with the administration to develop a policy they aren't listening to the electorate of the county.

Mr. Bahr stated that the reason for this meeting is to work with them.

Mr. Dudek stated that the admission policies have been accepted and never challenged by the state auditors or anyone until the favorable outcome of the levy. It became an issue when the levy was put on the ballot and from that point the administration's hands were tied. They have tried to work with legal counsel but had to wait for the outcome of the levy. In his opinion the Board is not being reasonable to the wishes of the people. This meeting was scheduled at an unreasonable time with an unreasonable notice. At yesterday's regular Board meeting questions came up and there were no answers because everything was deferred to legal. That is because Commissioners haven't made any attempt to come to a formalized plan with the administration, with people that care for the County Home and not an institution run by private funds.

Lynn Clark, Fair Housing Contract Service, stated that she has a contract with Medina County to provide fair housing services. She advised Commissioners to seriously consider the requirements of the fair housing act so as not to create difficulties in that area of the law.

Lynn Vermes stated that the levy passed for \$700,000 to offset the losses that were occurring each previous year, which was about \$500,000. She asked if the \$500,000 was used for operating and maintenance.

Chris Jakab, Finance Director, stated that it is a combination of all operating costs including capital improvement costs and maintenance.

Ms. Vermes asked if it included the any of the people staying there for their room and board, and if he knows what proportion that was.

Chris stated that the revenue stream included the resident fees that were collected, and that he could provide copies of the proportions.

Ms. Vermes stated that now the county is getting \$700,000 that includes the same thing as in previous years for operating costs room and board for the 47 people living there. She asked if there is anything else.

Mr. Bahr noted it includes capital improvements.

Ms. Vermes stated that was all \$500,000 before and now there will be \$700,000 for this year.

Mr. Bahr noted that the \$700,000 does not come in this year. That doesn't get in until January of next year. This year the Home will be operated out of the general fund.

Ms. Vermes stated that many people need homes and Mrs. Geissman is saying that people will be denied if they can pay the full amount. There are 8 people that don't have any other place to live and the county is getting the full amount of their rent. They have no place else to go because the county hasn't been taking care of the mental health people like they have the MRDD people. She hasn't seen anything on the Commissioners' agenda about mental health

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housing but the agenda shows an MRDD Creative Housing Meeting this evening. There has been an increase of 181% of mental health people since this issue started last November. She asked where they're going to live and who is going to provide for them.

Barbara Flowers stated that during the campaign for the ballot issue it was fully explained who was in the Home, whether they were veterans, mental health, self-pay or social security. The people of the county voted knowing full well who was there and said they like it, want it and are willing to pay for it. She asked why some are determined to make the Home fail.

Mr. Bahr stated that he doesn't believe the intent is to make it fail but to get some clear direction as to how the Home will be operated as far as eligibility requirements of the residents. Yesterday he noted that those that are there, unless there are extreme cases, would probably be grandfathered. We're working on having continued residents, but there needs to be a procedure in place that is documented. There have been some procedures, but they have been fragmented. Now there will be clearly defined eligibility requirements for the Home that meet the state statutes. The purpose of this meeting is to meet the Ohio Revised Code on those procedures.

A gentleman asked what will happen to the people that won't be grandfathered.

Mr. Bahr stated that there will be facilities for them. If they are indigent and need to be in a nursing home, there will be a place for them.

The gentleman stated that 65% of the voters said not to mess with the County Home and you're going against their wishes.

Mr. Bahr stated that they said they are willing to pay for the operation.

John McMullen, Ashland County Home & County Home Association President, introduced Mike Green, Holmes County Home, and stated that they are offering their help and suggestions. They believe the County Home has been following ORC 5155 and they have forwarded copies of their policies and procedures here for references.

John Stricker, County Administrator, asked if they support establishing policies and procedures for the County Home.

Mr. McMullen stated that he does and that he thinks they already have them.

Mr. Green stated that they've had policies and procedures because they've been admitting people before. It's beyond his imagination how eligibility would be determined. The administration should determine whether a person has finances or not and the people shouldn't be denied whether they have finances or not. His home takes in residents that can afford a nursing home but choose to go to their county home.

Deacon Joe Loutzenhiser stated that it is hard to believe that we're in a situation that it is apparent that no matter what, the Home will be closed. If the Gazette was correct and there is one out of 47 residents at the Home that is eligible and the regulations he has seen are correct, there would be only 1 person allowed in the Home. Whether the regulations are written, verbal or inferred, they have lasted and worked for almost 150 years. It seems like a couple Commissioners are dead-set on closing the Home no matter what. He's been to a few meetings and heard a lot of talk about finances and yesterday in the meeting it was stated transportation costs are going up 6%. Here are Commissioners saying they aren't going to accept people willing to pay. This is income that would help offset the costs. He believes this is a moral decision and that we are called to take care of those whether they can or cannot afford to be there. This is a long-standing obligation we have had in this county that has been supported for many years and the voters have clearly said they support this.

Mr. Bahr noted that the Transit issue was a 6% reduction from the State in funding, not an increase.

Al Junke asked what exactly is being done and if there is an attempt to eliminate future residents.

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Mr. Bahr stated that is not the intent. The intent is to have clearly defined policies and procedures. Commissioners have been informed by legal counsel that while these were inferred and that they had at one time been there, they are somewhat fragmented. The intent is to have written policies and procedures regarding the operation of the Home. These were patterned after Holmes and Ashland County policies and procedures.

Mr. Junke stated that he has reviewed their policies, the policies at the Home and the proposed policy and they don't appear to mimic anyone else's. It seems that you're saying that if a person has resources that they aren't eligible to be in the Home. The Home has operated for 150 years accepting people with a revenue stream and he questioned not allowing that after passage of a levy.

Mr. Bahr stated that the revenue stream hasn't been taken away and asked that those involved, Lynn Remington, Assistant County Home Administrator, Bill Thorne, Assistant Prosecutor, and John Stricker, explain how they came up with the proposal.

Mr. Junke and another gentleman stated that the opportunity for input is being taken away after the comment period ends.

Mr. Bahr stated that this is a preliminary discussion and these are preliminary policies and procedures. Passage would be done in a regular Board meeting. The people that put this together should discuss it and bring everyone up to date.

Mr. Junke stated that regarding the Transit issue and the issue of not taking in paying residents at the Home, it is like not picking up someone willing to pay a fare and only picking up those that can't afford it.

Ms. Vermes asked for a quote on the Ohio law that says the audience doesn't get to speak.

Bill stated that the Sunshine Law doesn't give anyone the right to speak at all. It only gives people the right to sit and listen and does not deal with any public participation. This is a Sunshine Law meeting that was advertised and open to the public. Relative to having that law changed it is up to the State legislature, not the County Commissioners.

Mr. Bahr asked that the preliminary requirements be reviewed at this time.

Mrs. Geissman presented a draft she had brought.

John stated that at a meeting last week, he, Bill, Lynn and Commissioner Hambley attempted to come up with eligibility criteria in writing that the Home would use when people are admitted. This is meant to be a working document to discuss and possibly add new ideas to. In coming up with the proposal, Ashland and Holmes County policies were reviewed as well as the Ohio Revised Code (ORC) as it pertains to county homes. Relative to whether the Commissioners should be involved in this, ORC Section 5155.01 states "the Board of County Commissioners shall make all contracts... for the County Home and shall prescribe rules for the management and good government of such". ORC Section 5155.03 states "the superintendent or administrator shall perform such duties as the Board imposes and shall be governed by all respects by its rules". The Board of Commissioners, working with the County Home, is going to estate rules and regulations and it's the administrator's responsibility to manage the Home based on the rules that are put together.

Mr. Hambley stated that all of the references are to the administrator and asked why the Home Administrator wasn't invited to this meeting.

Mr. Bahr stated that Lynn, Assistant Administrator, had participated in prior meetings and he felt she was the one that should be invited.

Mrs. Geissman added that she personally invited Lynn because she participated in last week's meeting. Joyce Farnsworth, Administrator, was not eliminated and was certainly welcome to come, as she has.

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Mr. Hambley stated that Lynn was part of the transition team and in conversations with John she is the one who had initially been talked to about procedures and policies. However, we're talking about the authority of the administrator and it is the protocol normally to inform the department head if one of their individuals is working on a project or providing input, particularly in this case regarding eligibility requirements. It would seem applicable to have Joyce involved.

Mr. Bahr stated that given what Lynn has done throughout this entire process he feels she is the most knowledgeable person to contribute to the discussion today. This is a discussion and not something that is going to be acted on today. Information, knowledge and input is being gathered from the people that were involved so better decisions can be made. At a time a decision is made or we're reaching a point of making a decision, he would heartily agree that Joyce should be involved.

Mr. Hambley stated that this has been a prolonged process. There was the original resolution closing the Home and then an amendment that made reference to the passage of the levy and that the former resolution would be rescinded. This means there would be no transition team and that any policies operative at that time would continue. There has been no policy or resolution passed that rescinds any previous policies. However they operated before they proposed closing is how they should be operating until the policies are rescinded or revised.

Mr. Bahr asked if it wouldn't make sense to do this at one time.

Mr. Hambley stated that it wouldn't because there are people on a waiting list that are hurting. Due to a lack of good judgment in November and December a moratorium was put on and he knows of at least one lady that on leave from work to care for her mother and needs to find a place for her mother. This is an option for them. He feels it is irresponsible to hold off allowing the use of the policies that were in place prior to making the closure decision. Then the eligibility requirements can be changed, which is open to debate.

Mrs. Geissman stated that this wouldn't be being done now if there had been cooperation before. She met with Joyce, Lynn, Mead Wilkins, Chris Jakab and John Stricker 2 months ago and a request was made for a copy of the policies in order to be prepared for whatever scenario happened with the levy. After being reminded that the policies had not been received, the administration took them to the Prosecutor's Office. The Prosecutor said it really wasn't a policy. This could have been done before the vote was taken and that's why this is being done today.

Mr. Hambley presented a copy of a letter dated 1989 from Bill making reference to an admission policy. He agrees that maybe at one time they had one document that formally summarized it, but over a period of time because of various laws, etc. it became fragmented. It is contained in a number of other documents, including the applications, various letters, etc. Unless the Commissioners implement 5155.01, the other provisions of the ORC would govern, which was used as the purview of admission under the jurisdiction of the County Home administrator.

Bill stated that is presuming the guidelines were adopted. Apparently in 1989 there was a set of policies that were adopted. He doesn't know what happened to them.

Mr. Hambley stated that the voters did vote and they knew how the Home was operated, the type of residents it contained, and that basic policies were there. No one has ever been refused service on the basis of their ability to pay. If they could pay the full price that was encouraged. In this case there were admission policies. He doesn't think the level of trust has been there between the Commissioners and the administration and we need to start from this point. The voters have spoken, the money is there for the next 5 years and the Home can be made first class and a model of the 21st century. In the meantime there are people that need somebody to take care of them everyday. This has been stalled off long enough.

Mrs. Geissman stated that she has no problem with that and there was a brief discussion about why it wasn't discussed at Monday's meeting and about last week's meeting.

At this time the audience was asked to quiet down or they would be asked to leave the meeting.

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Mrs. Geissman stated that we need to go through these and perhaps they could be concluded today. She agrees the Home should not be in a waiting period. She would like to see a better home than any other in the State of Ohio as well and certainly the funds are there to do that and with some guidance to the administration that can be accomplished.

Mr. Bahr asked if John had anything further to note about the proposed policies, and he did not.

Bill agreed with what John had said, noting that most of it was taken from documents from other county homes with the exception of the monetary provisions, which were put in for a matter of debate. Most of the other things Lynn has said they are already using and she had these documents that they've been following from other places, and the intent is to put them in one document again. The things on monetary were added for discussion. He did note that allowing a person in that can pay the full amount is allowed under the statutes.

Mrs. Geissman asked if indigence can be determined. She has heard comments about indigent and noted that the average income of the Home residents is \$725/month. She considers that indigent as well as someone that has no assets or income. She had suggested that they must be indigent without income or assets or unable to obtain admittance elsewhere.

Mr. Bahr asked for Lynn's input since she has been involved in this from the beginning.

Lynn feels that they do need people in the Home with money as it helps them out. If they can afford full pay, let's take them in. If they indigent, that's what the Home is there for. They are usually all on Medicare/Medicaid and they are under the guidelines for that. They have 38 people now on Medicare/Medicaid. She agreed that most of the provisions are already being followed, except for the one on income.

It was agreed to start from the bottom in the review, as they don't involve income.

Number 12: Must not need extensive treatments requiring skilled care plans for more than a temporary basis.

Through questioning by Mrs. Geissman, Lynn stated that they have nurses on guard. They have taken some in, such as a gentleman that had cancer. Hospice was involved as well as his family and the Home nurses are skilled enough to take care of him. Hospice also provided special training in this situation.

Mrs. Geissman asked if there is any liability in taking someone in that needs more skilled care.

Bill stated that as long as they have the training there shouldn't be a problem. There are people there now and there will continue to be people that deteriorate to the point the Home isn't able to take care of them and those people have to be transferred. The Home takes care of them as long as they can, but at some point the people have to be transferred. The basis of #12 is that it allows them to take in somebody they know is going to improve and that it's just a temporary situation.

John added that temporary is the operative word. As long as it's temporary they can handle it.

There was agreement on #12.

Number 11: Must not have I.V's N.G., tubes, or tube feedings.

Mrs. Geissman asked if it should also say "or needs to be fed".

Bill stated that is covered in one of the other criterion being reviewed.

There was agreement on #11.

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Number 10: Must not have a moderate to severe behavior problem.

Mrs. Geissman asked how that would be determined and if there is some type of documentation to determine whether they have moderate to severe behavior problems.

Lynn stated that combative would be a key word in this.

Bill stated that they'll have a physician's examination beforehand that includes past history. The administrator would make that initial determination.

Mr. Hambley stated that is a good point as nobody would come in saying whether they are classified as a moderate behavior or severe behavior. Possibly with Mike Jenks' help something could be put in about the attributes of the behavior. He proposed that it read "must not exhibit a behavior that is not destructive to the operation of the Home or negatively affects the safety of County Home residents or staff". This actually addresses the behavior and the attributes.

Mrs. Geissman and John agreed that is better terminology, noting that the first proposal is very open.

Ann Eisenhower, Assistant Prosecutor, stated that ORC 5155.02 specifically governs admissions and gives the administrator the ability, after making an inquiry and as to law, to determine who is entitled to be admitted. That's the way it's been going up until now. These are judgment calls by the superintendent/administrator based on their staffing and who they have in the home already. Some of the guidelines are going to be "open" because under the statute it's an inquiry by the superintendent/administrator based on what is being outlined here as basic legal requirements. This will be a judgment call.

Bill added that this one say "must not exhibit a behavior". The administration hasn't had them in the home so they'll have to evaluate that based on the doctor's report and past history. If it says "a severe or moderate behavior problem pattern would be destructive" they aren't going to know that until they get them in the Home, but based on the history they'll have to make a judgment call. That's what Ann is saying. They'll have to look at the doctor's report and other reports from social workers, etc. and make a judgment call up front. Through questioning, he stated that hopefully the doctor's records would indicate some of this, and that's why they also ask for a social worker's report. What is disruptive in one situation the Home may be able to hand.

Ann added that the doctor and social workers have the most current information, noting that elderly people tend to change their behaviors.

Mr. Hambley understands from documents that there is a probationary period of all individuals where the eligibility criteria are basically tested. If they find during the probationary period that the person exhibits a behavior, the administrator has the latitude to have the individual removed. If at any point during the probationary period a person is found not to be eligible under the criteria, it's the discretion of the administrator have them removed.

Bill agreed.

John noted that the key is that we're trying to establish the Home's ability to make the decision based upon their behavior.

Ann stated that the statute says that after making a sufficient inquiry it is up to the administrator to decide who is admitted. It outlines some specific legal requirements as far as residency, and she believes under the beginning of the code the Commissioners can give the Home guidelines they would like to see used. The administrator based on the guidelines governs the admission to the Home and also has leeway to base her judgment on how the facility is operating. The Board is not going to be able to outline every specific call the administrator has to make.

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Lynn agreed that the proposed wording, “must not have a moderate to severe behavior problem which would be disruptive to the operation of the Home or negatively affect the safety of the County Home residents or staff” would be fine as a guideline.

Mr. Bahr noted that Ms. Clark just brought something to his attention about fair housing and asked her to explain.

Ms. Clark stated that the language being proposed will violate the federal and state fair housing act, which supercedes any regulation regarding housing and state code. The administrator cannot make judgment calls based upon behaviors and cannot make an inquiry as to disability. They can prevent the housing of someone who represents a direct threat to the operation, structure, residents, or management, but it has to be proven as a direct threat, which means it has to be shown. She also heard mention of a medical exam before people can be admitted and that cannot occur. There cannot be any inquiry by the administration into a disability, the existence, the nature, or severity of a disability. Through questioning, she stated that even the medical exam looking for contagious diseases probably violates the fair housing act. There can be no medical inquiry. That is under ORC 4112.02(H). Other county homes are probably in violation of this if they are using similar criteria and it has probably been discussed with them if there is a fair housing organization in their area. Criteria #7 that states they must be admitted under the care of a physician would be considered an inquiry into existence of a disability. The ORC is clear on this and her suggestion is that the fair housing act be researched prior to continuing with this type of discussion. There is a lot of federal case law on the issue of disabilities and the admission into housing, and Ohio does recognize the federal case law. The criteria to need assisted living is okay because some people need assisted living without having a disability. An example is an older gentleman whose wife died and he has never cooked or done laundry and is living on \$700/month. He would need companionship and socialization in order to maintain a decent life and he doesn't have a physical or mental disability.

Bill stated that discussion can continue since this isn't going to be passed today as he hasn't heard anything about someone being discriminated because of a disability.

It was agreed to continue the discussion and if there are any problems after review of the laws those items will be dealt with.

Everyone agreed on the new proposed wording of #10.

Number 9: Must not have a communicable disease or tuberculosis.

Mrs. Geissman suggested requiring a pre-admittance physical and chest x-ray to determine there is no communicable disease or tuberculosis.

Bill noted that would be covered by #7, which is also another one that will be reviewed to make sure it is appropriate under federal law.

The wording was kept as is and approved.

Number 8: Must have a diagnosis for which we are staffed and able to provide for.

Number 7: Must be admitted under the care of a physician.

These were from other policies and the Home is already doing this. The wording was approved, however, these are also criteria that have to be re-checked.

Number 6: Must need assistance in the daily activities of living, but be self-ambulatory with the assist of a cane or walker, and not dependent upon lifting or transferring.

Mrs. Geissman asked if this would eliminate anyone in a wheelchair because there are a lot of people in a wheelchair that don't need to be in a nursing home as they can still function.

Lynn stated they have admitted people if its not for a long distance.

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John stated that in discussions before it was noted that there is a difference between someone who could get themselves into a wheelchair and uses the wheelchair to make it easier to get to the elevator and go down for lunch and some that is totally dependent on the wheelchair that needs assistance to get into the wheelchair, etc. The person that is totally dependent becomes a nursing home individual, as the Home staff is not staffed to handle that. In the short-term such as someone becomes ill and needs that extra help temporarily, the Home can handle it.

Number 6 was approved.

Number 5: Must be dependent on the services of others because of age or physical, social or mental impairments.

Mrs. Geissman agreed, but suggested adding “the clients of Alternative Paths who have other options available to them are not eligible and that any placement contracts would have to be approved by the Board of County Commissioners”.

Mr. Hambley questioned restricting the choice of a client because they are with a specific agency.

Mrs. Geissman stated that it is only if there are no other options available and that perhaps in the future there would be someone that would have not other options. Debra Beckstett, Alternative Paths Director, has made it clear this is not a good placement. She asked Debra for comments.

Debra agreed with a lot of what’s being said. In content they do believe there are a number of clients that cannot get into the County Home because of their special needs and the extent of those special needs because there isn’t training for mental health at the staff level. Unfortunately there has not been another option in the county to this point. The Home has turned away a good deal of the clients because of the amount of special needs the clients had.

Mr. Hambley agreed that is Alternative Paths option to make those recommendations, but it is wrong to establish a policy that precludes them access to a public facility because they are clients of a specific agency. Alternative Paths has the ability to put those clients some place else. He noted that Debra indicated the primary concern is that the staff doesn’t have the training for mental health, and he questioned who said that can’t be done with the budget we have got in. He questioned having a policy specially geared to discriminate against one specific type of clientele. The Home is an option to those clients and it was a matter of public debate as well as public scrutiny before the issue was decided at the levy. A letter was received from the ADAMH Board, which provides funding for Alternative Paths, that indicated that everyone of those patients had benefited being at the Home. There was some concern that if the levy passed there should be additional counseling and work between Alternative Paths and the Home staff.

Mrs. Geissman stated the only reason they were placed at the Home was because beds were available and there was no other place for them. There are now other options. She, Debra and Mike Jenks visited 2 facilities that are willing to them cheaper.

Debra stated that there is a need to be careful on the issue of staffing and the ability to accept the clients because there have been a number of incidents that border on some liabilities. If you staff it appropriately for those levels Alternative Paths would be happy to take another look at it, but as it stands now they can’t refer clients there. Their preference is to get a group home like MRDD that is staffed and able to take a variety of the clients. There are a number that just can’t use the County Home.

Mr. Hambley stated that is Alternative Paths choice. The question is whether the guidelines to the Home administrator should prohibit them from being eligible.

Mrs. Geissman stated that she is worried about the liability because of some of the incidents that can’t be discussed publicly.

Mr. McMullen stated that their county home worked out a respite program with the mental health agency and board. The home provides food, shelter and nursing supervision on medications and the case managers from the mental health agencies provide for mental health

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counseling and needs. They transfer their people to and from activities. The mental health board in Ashland County passed a levy and they pay the home for the respite care. When they place a client they subsidize the home \$2833, which is the amount received for RSS (resident state supplement). It has been a source of income for the home as well as a placement for clients that weren't able to make it in their apartments.

Bill asked if there have been problems at the Home with any of the clients.

Lynn said they had a couple, but the clients there now are great. They have 2 social workers that work with the staff and clients all the time and they meet monthly to go over things.

Mr. Bahr feels that this is a decision made through the mental health agency and he also referred to #10, which allows the discretion of the administrator to determine whether the individual can fit into the Home environment. He also noted that there are issues that have to be reviewed through the new information on fair housing.

Bill stated that #8 could also cover this.

Mrs. Geissman stated that she feels strongly about this issue, but she feels the situation will take care of itself because she doesn't think Alternative Paths will be putting anyone else there. She was trying to include this to reduce liability.

Bill stated that having the restriction may increase the liability because it would be discriminating against a certain category of the mentally ill.

There was general approval of #5.

Number 4: Any resident or nonresident must have met the age of majority.

John noted that the idea on this is that the Home isn't staffed to deal with children.

Mrs. Geissman noted that this is legal terminology and the age of majority is 18.

Bill stated that it is 18 and out of school. John and Lynn brought this up because they are staffed for this and if somebody came in or was assigned there it would be a real problem for them.

Mr. Bahr asked if 18 and out of school should be put in.

Ann stated that age of majority is legally defined as someone that is 18 and out of high school. If they are 18 and still in high school they are still a minor.

There was approval of #4.

At this time, the review went back to the beginning of the guidelines.

Number 1: Must be a resident of Medina County for the year preceding admission, who meets the indigence provision set forth below:

- a. A resident will be determined to be indigent when he/she cannot afford the full per capita unsubsidized expense of a bed at the Medina County home as set by the Board of County Commissioners, and not made any transfer for less than full value within the last three years which would qualify them as indigent hereunder.
- b. Section (a) above shall not be considered if it can be documented that no other facility within the County is available to assist a resident at this level of funding.

Bill stated that before going over the exact wording Commissioners should decide whether they are going to use indigency as criteria.

Mr. Hambley stated this is where the major point of contention is. The ORC says the County Home administrator can admit persons that are able to pay for their care and there has

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been an OAG opinion to that affect. That is the way the Home has operated and it is the way all county homes have operated.

Mrs. Geissman stated that it also says they are urged to require them to try other facilities if they can afford to pay that.

Chris noted that recommendation is from the CCAO handbook.

Mr. Hambley feels it is important not to make that decision in the point of eligibility. Indigency comes into play later when they design their payment. There is one form used to fill out whether they are able to pay full, and at some point when they are no longer able to pay full, it is renegotiated as to how much they're going to have in pocket for their private expenses, etc. Medicaid conditions would apply.

Mrs. Geissman feels strongly, noting that the feeling comes from many people who spoke to her before the election that if residents that want to go in the Home and they can afford to go to a private facility like thousands of other people in our county, then that is what they should do. If they cannot afford the fee of the other facilities then there is a place for them at the County Home. Residents should be required to try to enter into another facility and there are several facilities that have said they would work with Medina County on taking care of those residents. If they go to a private facility and are rejected because possibly the income isn't enough, then they are eligible for the County Home. She feels strongly about this because of comments that were made to her. Through questioning by Mr. Hambley she stated that the Home should be exclusively for indigents and that is the way it was intended in the beginning. She disagreed that if that is the way people felt it should be that the levy would have been voted down. She had people tell her that they were voting for the levy but they felt people should not be there if they could afford to be in the private sector.

Mr. Hambley stated that under this criteria, if an individual has \$5,000 in the bank and a modest income of \$100/\$200 in social security, they could afford full per capita unsubsidized expenses of a bed and for maybe only 6 months they would be in a private facility until their money ran out, and then they would go to the Home.

Mrs. Geissman disagreed, saying that person would be indigent. If a person has income, regardless of where it comes from and can afford to go to a private facility that's where they should go.

Mr. Hambley stated that the point is that is not the way its operated or any other county home in the state operates. Full pay can be accepted. The budget is premised on some people paying full pay. There are those that go elsewhere, but those that want to come to the Home should be allowed. The Home has benefited from full pay people. One person paid full, passed away and left us an estate of over \$100,000. That was a benefit to the Home.

Mrs. Geissman questioned how people feel that are living in their homes on \$700-\$900 a month and their only asset is their home. They can barely pay their taxes and then there is someone at the Home admitted that has more money than they do.

There was a debate with the audience at this time. Mr. Bahr called the meeting back to order and noted Ann had some additional information.

Ann stated that the Ohio Attorney General issued an opinion in 1970 that says a county home may admit people that are able to pay. It is not law, but it is an attorney general opinion that has not been challenged and no law has been drafted to change that interpretation of the code. To legislate someone's choice because they are able to pay and choose the County Home rather than a private facility, she believes, would be allowing for a rough time as far as discriminatory acts. She doesn't believe someone's choice about where they reside if they can pay can be legislated. Through questioning, she and Bill stated that the 1970 ruling does allow the Home to take in those that can pay.

Ann further noted that there are codes that allow for their property and assets to be attached to cover the payment. If someone chooses to come to the Home and pay full price, the county can choose to attach their assets to keep them.

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Bill added that is supposed to be being done now.

Ann stated that she doesn't know how many people are in the Home who have assets to attach. They may be getting monthly sums that cover their beds and that's it, but they are choosing to use their monthly sum at the Home. To legislate where they choose to make their payment can present some discriminatory liability.

Chris believes that is why the CCAO uses the word "urges", and he feels it ties into when there becomes a situation where there are no vacancies and you have to prioritize on some basis.

Ann agreed that the Home doesn't want to turn away an indigent person who doesn't have another option. There have been discussions about always keep 5 indigent beds open so that no indigent person gets turned away.

Bill added that another county's policy did reserve a certain number of indigent beds as part of their requirements. Lynn feels 5 would work because the normal intake is similar to those that are transferred out.

Mrs. Geissman stated that she feels strongly on this, but wants to use the guidelines of the law.

Mr. McMullen stated that you have to look at the original intent of some of the requirements. There are people that can pay and there are people that tell you they can't pay. You have to be able to address that. In Ashland County the wording is that if a prospective resident cannot pay the private pay rate, then a Medicaid application must be completed to establish their level of indigency. The Medicaid exam process covers this in depth and determines their assets. If someone is able to pay for a while and they run out of funds, you do have a right to do as Medicaid would. If a person receives Medicaid and they have to sell their home, it can't be sold 3 years prior to the application. If they following the Medicaid process it takes it out of the administration's hands to determine assets.

Sections A and B were removed from #1.

Number 1 now reads: Must be a resident of Medina County for the year preceding admission.

Through questioning by Mrs. Geissman, Lynn stated that documentation on this is the same as when they go through Medicaid. They have to have a driver's license, birth certificate, proof of where they live, or bills with an address. That's where it comes in to have Medicaid in there because their forms are all that's used and it's the best documentation for everything.

Mr. McMullen stated that the reason they did that in Ashland County was because of someone is indigent and they've never been a resident of the county, it is felt the county they came from should pay for their care in their own facility or elsewhere. He noted that instead of "the year preceding" they have use "a year preceding" that allows for someone that lived one year in the county during their life, or usually it's allowed that their family/primary caregiver has been a resident for one year.

Bill clarified that Mr. McMullen means that the person has been a resident of the county or has a direct family connection for a year regardless of when during their life. An example would be a person that lived here, moved to Florida for 15-20 years and then wants to come back here. That is what this language would do if the Board is agreeable to it.

Mr. Hambley asked if a person willing to pay in full would need to file an application for Medicaid assistance.

Lynn stated that she does that and Bill added that the applications get all of the information needed.

Mr. Hambley asked if that gives the ability to ascertain whether they should pay the full amount and attach any properties.

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Bill agreed that is the purpose.

Mr. McMullen stated that it may be added that if they do the application process and they don't follow the guidelines that the Medicaid Office requires that the Home reserves the right to discharge them.

Number 1 was approved as amended; taking out the indigency requirements, allowing for "a year preceding admission", and to follow the Medicaid process.

Number 2: A nonresident with a direct family connection to a resident of one year, which nonresident would qualify as an indigent under (a) above. Direct family connection shall mean spouse, mother, father, son, daughter, grandparent, aunt or uncle.

The reference to 1A/indigency was removed.

Someone from the audience asked about brother or sister, and Bill agreed that is a closer relationship than some of the others. Brother or sister was added.

Mr. Hambley questioned for clarification if step-brother, etc. should be included.

Bill stated that based on what Ann said before, it is a guideline and that would be up to the administrator. He suggested that "shall include but not limited to" be added about the direct family connection.

Number 2 was approved.

Number 3: A resident or direct family connection set forth in 2 above who does not meet the indigence provisions of 1 above, may be admitted if there are at least five beds available for indigent use.

Mr. Hambley suggested this read "a resident or direct family connection set forth in 2 above who is able to pay for their care at the County Home may be admitted if there are at least 5 beds available for indigent use.

There was agreement for the revised wording of #3.

Mr. Bahr noted that concludes review of all of requirements. There is additional work needed for 7-8-9-10 relative to the fair housing issues raised today.

Bill sated that this basically covers what the Home was doing and asked if the Commissioners want to open it back up.

Mr. Bahr stated that the resolution would need to be rescinded.

Mr. Hambley stated that the resolution was to take affect regardless of the outcome of the election so no further action would be needed. If the levy had gone down the Home would have closed. Since the levy passed, the Home was to continue operations.

Mrs. Geissman stated that there needs to be a guideline for the actual costs.

Mr. Hambley stated that fees are already in affect, as they have not been rescinded.

Mrs. Geissman stated that if new people are going to be taken in it should be under the guidelines of the actual cost of keeping the Home open, which is \$1638/month.

Mr. Hambley stated that there has to be a 30-day notice for changes in the fees.

Mrs. Geissman suggested July 1st as the affective date.

Mr. Hambley asked if that means that no one should be admitted until July 1st.

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Mrs. Geissman stated that is not the intent. The new people being admitted should be paying the actual cost of staying at the Home, which is \$1638/month.

Mr. Hambley noted that it has to be established by resolution.

Mr. Bahr suggested proceeding with admissions at the current rate with the caveat in place and they understand that the actual cost will be evaluated and there is a potential for a rate change.

There was a discussion among Commissioners that those coming in should understand the increase proposed and there is a 30-day notice that applies to the people currently in the Home.

Mrs. Geissman stated that the 30-day notice applies to the current people at the Home and she feels it would be simpler for the administration to charge the new fee to the new admissions rather than one fee now and changing it in 30 days. It will be a lot of extra paperwork for anyone admitted between now and July 1st.

Bill agreed that may make sense if the figure has been agreed to and the new admissions can be done right away with a 30-day notice to those already in the Home. That could be taken care of on Monday.

Mr. Hambley stated that the number hasn't been agreed to and no resolution has been passed modifying it, nor has there been a public meeting or hearing regarding this. The resolution says upon passage of the levy the resolution closing the Home is rescinded and the old rates, policies, etc. would apply.

Mrs. Geissman presented the figure that was given to the Board some time ago on the actual costs.

Chris noted that they are the actual appropriated numbers using 50 as the average daily population.

Mr. Hambley stated that the dispute is whether to use 50 or 55, and the implications of applying those numbers haven't been discussed.

Mrs. Geissman feels this should be implemented for the new people coming in and that July 1st be the date for those currently in the Home.

Chris noted that rates are typically reviewed annually and it's usually around July or August. A resolution would need adopted for that specific purpose (new admissions). The other rates would stay in affect until the requirement for the 30-day notice is met, which would be another resolution. He asked if the suggestion is to prepare this for new admissions.

Mrs. Geissman stated that it is.

Mr. Bahr asked if there is anything else to be discussed.

John asked if the Home can now accept new people.

Mr. Bahr stated that is the understanding.

Mr. Hambley moved to adjourn the meeting at 11:04 a.m. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

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MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Thomas R. Bahr

Pamela J. Terrill, Clerk

Stephen D. Hambley