

## **MEDINA COUNTY HOME ADVISORY COUNCIL MEETING MINUTES WEDNESDAY, FEBRUARY 26, 2003**

### **Roll Call**

Chairman Chuck Hawley called the meeting to order at 6:35 p.m. at the County Home. Roll Call was taken with the following Council members present:

Present: Jo Becks, Randy Bing, Brian Feron, Chuck Hawley, Ken Miller, Emily Muscatello, Tanya Rodgers, Randy Schmidt, Cheryl Scheck, and Skip Sipos.

Absent: Laura Kuhl

The following Ex officio members were present: John Stricker, County Administrator, Joyce Farnsworth, County Home Administrator, and Lynn Remington, Assistant County Home Administrator. Also present was Commissioner Steve Hambley and Carol Shockley from the Prosecutor's Office. A sign up sheet is attached as Exhibit A.

### **Approval of Minutes - January**

Chuck asked if everyone had read the minutes from January 29<sup>th</sup> and if there were any additions or corrections. There were none. Emily Muscatello moved to approve the minutes and Brian Feron seconded the motion. There was no discussion. All voted AYE and the minutes were approved as written.

### **Mission Statement**

Steve Hambley said that the Commissioners passed a resolution approving the adoption of the revised County Home Mission Statement on November 18<sup>th</sup>.

### **Goal Overview**

Brian Feron passed around the revised "Medina County Home Advisory Council 2003 – 2007 Overview" 2/26/03 draft for review. He said he added and updated the committees since the original draft such as the Public Relations & Outreach Committee, which is an important area to be included in the long-range plans. The Technology Committee had not been formally assigned and Brian volunteered to serve on it. The last couple pages are a timeline and he welcomed any input. Cheryl Scheck said that her name was omitted from the Finance Committee so Brian will add it.

### **Committee Reports**

#### **Health Insurance Portability and Accountability Act (HIPPA) Update**

Emily Muscatello asked for direction on how the Council wants her to proceed. She has a lengthy packet that was done for the nursing field with everything that they need to know about HIPPA regulations for healthcare workers. She volunteered to come on one or two paydays to advise the County Home staff. She asked if the attorneys should look at the contracts first. Chuck posed the question to Joyce Farnsworth, County Home Administrator, and Lynn Remington, Assistant County Home Administrator.

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Joyce said that would be a good idea. They will be attending a seminar about HIPPA regulations next month in Columbus. The County Home Association hired someone to prepare the correct paperwork for County Homes.

Chuck suggested that they hold off on the HIPPA issue until Joyce and Lynn get back from Columbus and they can assimilate, compare, and coordinate all the data and then have Carol Shockley from the Prosecutor's Office look it over.

Lynn said she would like to take Emily up on her offer to speak to her employees and they will make arrangements for her to do that.

Emily touched on some of the situations that they have to look forward to. She said that the County Home would be getting contracts to sign from business associates. These contracts are simply saying that they are going to keep confidential information restricted to each other, and neither one is going to break this confidentiality. She gave an example of an oxygen company that has a list of the residents that are on oxygen. They are no longer allowed to give the list of names to another company such as a respiratory therapy company. She advised them to watch what they fax. If they fax confidential information to a doctor's office or hospital for example, they need to make sure that only the people that pertain to that medical information are the ones that are going read it and then put it into a confidential place.

Skip Sipos asked if they are permitted to give information out if they get a release from the resident. Emily said they could release information with permission, but there is more to it than that. There will be a form that everyone will be required to sign when they enter the County Home saying what information they will permit them to release. But even when they have the permissions slip they need to guarantee the information will remain confidential once it is sent out and no one will capitalize on it. She also told them that they needed to watch that residents do not overhear confidential information about other residents.

Joyce said doctor's offices are no longer permitted to state why the patient is there and to say something like "Mr. Hawley, come get your flu shot". The laws are there, but it is mainly just using common sense. She heard that there are only nine inspectors in the United States.

Emily said that there is a demand for those that are knowledgeable on the HIPPA regulations to advise the businesses affected by them. Eventually things will balance out to serve the purpose of the law.

**Finance**

John Stricker went over the financial update that Chris Jakab, Finance Director, prepared. He said the levy was structured to generate enough money to operate for 5-1/2 years. The Treasurer just started collecting property taxes for the first half of the year and they should be getting a tax advance in about a month. The County Home levy runs at a deficit at the beginning until it

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catches up with that first six-month time period. Chris took July 1 to December 31, 2002 of actual expenses and estimated another 6 months of expenses. The 2003 calendar year shows an annual expenditures budget of \$1,174,000. The tax levy revenue is about \$755,000. The balance is made up by the income from the residents and other revenue. Chris is proposing putting the entire budget within the General Fund. On a quarterly basis, he will deduct income and revenues from the expenses and from the separate County Home Levy Fund he will draw the difference and place it back into the General Fund to cover the rest of the expenses. Revenues like HUD assistance could mean there would be more money left in the balance of the levy fund that could be used for other purposes.

Brian Feron asked John if the levy money set aside earns interest. John said it is state law that all interest must go into the General Fund. The General Fund is actually carrying the County Home Levy Fund.

Skip Sipos asked what Board and Care Revenue is made up of. John said that it mostly is what the residents pay that have the means to pay, or money from other revenue sources such as farmland rental. Skip was surprised to see that 55 residents would generate close to \$429,000 a year.

Chuck Hawley asked what Capital Improvements were being made that cost \$103,000 for the first 6 months of the year. John said that there were improvements that had to be made that were costly such as the slate roof with copper valleys.

Steve Hambley pointed out the "Additional Tax Levy Estimate" on the budget is a closeout if the County Home issue were not to pass. It would already be on the ballot by 2005 and they would be collecting from it in early 2006. He wanted to be sure that no one thought they were zeroing out the operation.

**HUD Assistance**

Skip Sipos said that he has been working with Chris Jakab to come up with numbers to separate the shelter costs from non-shelter costs, and they are almost done.

**Admissions Policy**

Ken Miller, Chair, reported that they met two times to look at some guidelines for admissions to establish some criteria for residents coming into the County Home. The policies would be non-discriminatory and applied equally across the board. Some of the things they feel should be addressed are:

- Making sure the individual coming in does not pose a threat to the health and safety of the existing population, with an infectious disease or a deviant sexual background.
- A waiting list by number - "first come, first serve" policy based on availability of beds.

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- A service to be offered to deal with the assets of individuals as far as being able to pay their own way, or making a referral to the appropriate social service agency to see if they can get any paying benefits.
- Provide forms needed for healthcare, living wills, and burial contracts to eliminate second-guessing when the crisis arises.

They would like all of the guidelines formalized into a notebook for reference. The group will meet again before the next meeting and bring the information back to Council for discussion next month.

Carol Shockley, Prosecutor's Office, said that she, Bill Thorne, and others have gone through the legal issues of the admissions policy to skirt any possibility of litigation or contest. The federal government is really scrutinizing care facilities these days. They do not have the draft language ready yet, but she had a number of ideas to address some concerns. She and Bill have talked about bringing in a consultant because this is a very finely tuned area of law. Any Civil Rights issue involves a maze of obscure language, contested opinions, and challenges. Good intentions sometimes run afoul of the laws that are meant to protect our people.

Carol gave some suggestions to the committee about wording certain things differently or being more specific:

- Use "They do not require a skilled level of care" instead of the negative "Individuals who have a non-skilled level of care".
- "The ability to handle individuals who pose a threat to the general population or staff" has good intentions, but there is no way to determine who that would be. There are ADA issues that can surface when someone becomes combative because of failure to take medication and they can reasonably accommodate this person's problem.
- They are not prohibiting minors from the facility, but they do not offer care specific to their needs.
- The residency issue is hard to determine. The connection (a relative, power of attorney, or guardian in the area) to reside in Medina County is very vague and needs to be more specific. The intention to reside in Medina County is way too simple.
- She is not sure that a police check of people applying for admittance to the County Home is entirely legal. They cannot engage the Sheriff's Office to tap into the confidential database of their Statewide Law Enforcement Automated Data Search (LEADS). They can do a public records search like they do on employees and stipulate that. There is an organization in Cuyahoga County that they could hire to plug into out of state and LEADS type information.
- They need to be more specific of the level of crime when they say "drug related criminal acts". Technically it could be a 20-year-old DUI offense.
- An individual's refusal to explore and accept potential benefits will be denied admission to the County Home is questionable. Bill Thorne feels that before anyone is admitted they should get a doctor's statement that they do not have a contagious

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diseases or medical condition that would cause problems for other residents. Specific medical information need not be identified.

- The Living Will, Power of Attorney, and specifically the Burial Contract cannot be required - just suggested. She cautioned that the County Commissioners are required to pay for burial of county indigents if they do not have other arrangements.

Skip asked Carol's opinion whether or not the Federal Fair Housing Act relates to the County Home operation. He thinks it does and he knows from experience that they cannot even inquire about the health condition of anyone. They can ask if they require any reasonable accommodations. They cannot deny occupancy based on a disability that is recognized as a federal disability. The federal statute overrides a state statute. John suggested that it be a post-admission process instead of a pre-admission process. Steve Hambley asked if these laws apply to congregate living. Carol said it is Bill Thorne's position that you cannot ask specific questions about their health.

Ken Miller said that they did not have the benefit of the Prosecutor's Office before their meeting. He asked if they could meet with the Prosecutor's Office to come up with the Admissions Policy that is legally acceptable and meets the needs of everyone. Carol said that she would go to their next meeting on March 27<sup>th</sup> following the regular meeting.

Chuck asked Ken to Chair the Admissions Committee that also includes Skip Sipos, Tanya Rodgers, and Cheryl Scheck. Lynn Remington, Joyce Farnsworth, and Carol Shockley will advise. Ken agreed to Chair the committee.

### **Schedule Next Meeting**

Chuck suggested that next month's meeting be held on Thursday, March 27<sup>th</sup> instead of the usual fourth Wednesday so that Joyce and Lynn will be back from the conference and can attend. The group agreed to change the date.

### **Passport Waiver Program**

Cheryl Scheck reported that the Passport Waiver Program idea would not work for the County Home. This is considered a protective setting where the residents are getting their needs met.

### **Facilities**

Chuck asked Brian Feron to Chair the Facilities Committee that consists of Randy Schmidt, Jo Becks, and he added Laura Kuhl. John Stricker, Steve Hambley, Tom Maupin (Maintenance Superintendent), Joyce Farnsworth, and Lynn Remington will advise. Brian agreed to Chair.

### **Technology**

Chuck recruited Ken Miller, Randy Bing, and Randy Schmidt to work on the Technology Committee with Brian Feron. John Stricker will advise. They will meet in the Spring.

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### **County Home Administrator's Report**

Joyce provided a written report. She reported that they began February with 54 people, added three, and released one - ending February with 56 residents. They had a food service inspection and a backflow inspection this month. They are looking into a company to come in and clean and disinfect ceramic tiles because there is a problem with bad odors in the restrooms and leaking in the old tiles in the shower stalls. John said that the prices quoted were very reasonable and he would take the matter before the Commissioners for discussion on Monday. Joyce said they bought new floor mats for the kitchen and dishwashing area as recommended by the Health Department. The whirlpool tub is being repaired. The Lafayette Fire Department is doing an inspection of the Home on Monday night. This is also helpful for the firefighters to familiarize themselves with the layout of the facility.

There was a discussion about the rust in the cooler that Joyce said the Health Department wants eliminated. Lynn said that to have the spray coat put on it that they recommended would be about \$6,000 plus they would have to rent a freezer/cooler unit for the interim. She asked if they could just spray paint it and put a mat over it. Emily told them about a facility that had their cooler power-cleaned, sand sprayed, dried, and repainted. Then they put a floor mat down because walking on it is what wears the finish off and the rust comes through. They have not had rust back in six months. Chuck asked if this is something that the Maintenance Department could do and was told they could probably do some of it. Emily also suggested looking into Nature Stone. John said he would have Tom Maupin look into it for them. Emily warned them to get two or three estimates from vendors on Nature Stone because different vendors charge varying prices for the same product.

### **Other Business**

Joyce said that Medina County Cares Group is setting up a booth at the Medina County Home and Flower Show on March 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup>.

### **Public Participation**

Chuck opened the floor to comments and thoughts from those in the room. Gerrie Ziembra from Hinckley Township asked where the money for the consultant to give guidance regarding the admissions policy would be coming from. Chuck said that a consultant would be an operational expense. Carol said in the long run it would probably save the County Home money. They might require their services at some point in time because this is a complicated area of law. Rather than walk down the wrong track that might be the wise way to go.

Tim Feron from Medina asked how many unfunded state and federal mandates does the County Home have to deal with. He commented that some of the issues are ridiculous. He used to sell oxygen and they always required names so he cannot imagine supplying it to the County Home without any names. They also required documentation for every chemical he dealt with. Emily Muscatello said that they would still have names because that is necessary for billing Medicare and Medicaid. That is where the business associate agreement comes in between the County

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Home and the supplier saying the information will remain confidential. Skip Sipos added that truthfully they do not know how many unfunded mandates they will have to deal with and it is very frustrating.

Brian Feron asked about the HIPPA law that will not allow the resident's name on the door. He wondered how the firefighters or anyone coming in for an emergency situation would know that there was a resident in the room. He asked if they would use some other type of indicator such as a light. Emily said she is going to a seminar this week on the subject because it is ridiculous to have to deal with that when they need to evaluate a building. The Ohio Healthcare Association is fighting it.

Skip Sipos made a motion to go into Executive Session to discuss Personnel/Compensation and Randy Schmidt seconded the motion. There was no discussion. All were in favor.

**Staff – Salary Study**

The Executive Session to review the salary study began at 7:40 p.m.

**Adjournment**

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Pam Vereb, Secretary